SELECTIONS

FROM THE

Records of the Government of India

IN THE

HOME DEPARTMENT.

No. CCXXIII.

Home Department Serial No. 3.

PAPERS

RELATING TO

INFANT MARRIAGE AND ENFORCED WIDOWHOOD IN INDIA.

Published by Authority.

CALCUTTA:
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
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PAPERS

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INFANT MARRIAGE AND ENFORCED WIDOWHOOD IN INDIA.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—No. 35—1616-26, under date Simla, the 8th October 1886.

READ the undermentioned papers :—

Notes, dated 15th August 1884, by Mr. B. M. Malabari of Bombay—(1) on Infant Marriage in India; and (2) on Enforced Widowhood.

Home Department Circular No. $\frac{39}{1506\text{-}15}$, dated 11th September 1884, asking for opinions on the proposals contained in the above notes.

Read also the following replies to the Circular of September 1884 :—

From the Government of Madras, No. 2250, dated 24th September 1885, and enclosures.
" " Bombay, No. 1112, dated 26th March 1885, and enclosures.
" " " No. 1504, dated 25th April 1885, and enclosure.
" " " No. 1751, dated 12th May 1885, and enclosure.
" " " No. 1846, dated 18th May 1885, and enclosures.
" " " No. 3283, dated 29th August 1885, and enclosure.
" " " No. 54, dated 8th January 1886, and enclosure.
" " Bengal, No. 348, dated 2nd March 1886, and enclosures.
" " the North-Western Provinces and Oudh, No. $\frac{125}{111\text{-}408\text{-}3}$, dated 5th February 1885.
" " Punjab, No. 825, dated 23rd March 1885, and enclosures.
" Chief Commissioner, Central Provinces, No. 593-29, dated 18th February 1885.
" " British Burma, No. 877-143 N., dated 30th September 1884.
" " Assam, No. 6739, dated 16th October 1884.
" " Coorg, No. 1306-184, dated 5th January 1885.
" Resident at Hyderabad, No. 308 G., dated 13th August 1885, and enclosures.

Read further the following papers :—

Endorsement from the Legislative Department, No. 159, dated 28th January 1886, forwarding a letter from the Hon'ble H. St. A. Goodrich, of the Madras Civil Service, on the discouragement of child-marriages and the amelioration of the condition of widows among Hindus, and enclosures.

Endorsement from the Government of Madras, No. 140 (Mis.), dated 22nd January 1886, forwarding copy of a letter from the President Founder, Hindu Sabha, with copies of notes by the Sabha in explanation of orthodox Hinduism on the subject of marriage.

RESOLUTION.—In the "Notes" referred to in the preamble, Mr. B. M. Malabari of Bombay, a gentleman known to the Indian public for his public-spirited efforts to promote social reform, brings to the notice of the Government of India important considerations connected with the questions of infant marriages and widowhood in India. In his "Notes" Mr. Malabari forcibly depicts the evils incident to those customs, and calls upon the Government to take measures for mitigating them, while he at the same time suggests the direction which, in his opinion, such measures of mitigation might follow. He thinks that the practice of infant marriage might be discouraged were the Educational authorities to rule that no student with a child-wife should be eligible for University degrees, and if the various heads of Government Departments were instructed to give the preference to those applicants for employment in the public service who were unmarried. In regard to widow remarriage, Mr. Malabari thinks that, among other palliatives, good would come if Government were to take action with a view to providing (1) that no Hindu girl who during her minority had lost her husband, or the person to whom she had been betrothed, should be condemned to perpetual widowhood against her will; (2) that arrangements might be made in suspected cases to ascertain whether a widow had adopted seclusion voluntarily or whether it had been forced upon her; (3) that every widow, of whatever age, should have the right to complain to the authorities of social ill-usage, and that proper facilities should be afforded her for the purpose; and (4) that it should be declared illegal for priests to excommunicate either the parties contracting a second marriage, or their relations and connexions.

2. Copies of Mr. Malabari's Notes were forwarded to Local Governments and Administrations with the remark that the subject was one of great importance to the social well-being of the people, and that the Governor General in Council would be glad to receive any observations which the local authorities might desire to make on the proposals. Local Governments and Administrations were at the same time encouraged to consult such official or non-official persons as were considered to be well acquainted with native feeling on the question.

3. All replies from Local Governments and Administrations have now been received. They bear testimony to the good which even already has been done by Mr. Malabari's endeavours to apply a remedy to a state of things which no section of the community regards altogether with approval, and which some consider to be a great abuse. But while thus regarding with sympathy Mr. Malabari's praiseworthy efforts, all the Local Governments and Administrations exhibit complete unanimity of opinion against the adoption of the legislative action and the imposition of the executive disqualifications which Mr. Malabari advocates. After careful consideration, the Governor General in Council agrees with the unanimous conclusion arrived at on the subject by the local authorities, and he will endeavour to state as briefly as possible the reasons which have led him to that conclusion.

4. In dealing with such subjects as those raised in Mr. Malabari's Notes, the British Government in India has usually been guided by certain general principles. For instance, when caste or custom enjoins a practice which involves a breach of the ordinary criminal law, the State will enforce the law. When caste or custom lays down a rule which is of its nature enforceable in the Civil Courts, but is clearly opposed to morality or public policy, the State will decline to enforce it. When caste or custom lays down a rule which deals with such matters as are usually left to the option of citizens, and which does not need the aid of Civil or Criminal Courts for its enforcement, State interference is not considered either desirable or expedient.

In the application of such general principles to particular cases, there is doubtless room for differences of opinion; but there is one common-sense test which may often be applied with advantage in considering whether the State should or should not interfere in its legislative or executive capacity with social or religious questions of the kind now under notice. The test is, "Can the State give effect to its commands by the ordinary machinery at its disposal?" If not, it is desirable that the State should abstain from making a rule which it cannot enforce without a departure from its usual practice or procedure.

If this test be applied in the present case, the reasons will be apparent why His Excellency in Council considers that interference by the State is undesirable, and that the reforms advocated by Mr. Malabari, which affect the social customs of many races with probably as many points of difference as of agreement, must be left to the improving influences of time, and to the gradual operation of the mental and moral development of the people by the spread of education.

It is true that the British Government in India has by its legislation set up a standard of morality independent of, and in some material respects differing from, the standard set up by caste; and it may be that the former standard has had some beneficial effect in influencing native customs, practices, and modes of thought. But legislation, though it may be didactic in its effect, should not be undertaken for merely didactic purposes; and in the competition of influence between legislation on the one hand, and caste or custom on the other, the condition of success on the part of the former is that the Legislature should keep within its natural boundaries, and should not, by overstepping those boundaries, place itself in direct antagonism to social opinion.

5. Of the suggestions made in the course of the voluminous correspondence quoted in the preamble, the only two which do not seem to the Government of India to be open to serious objection on ground of principle are (1) the amendment of section 2 of Act XV of 1856 as to the forfeiture of property of a widow on remarriage; and (2) the supply of machinery by which a Hindu widow, who fails to obtain the consent of her caste fellows to her remarriage, may nevertheless marry without renouncing her religion.

But although there is much to be said in favour of each of these suggestions, the Governor General in Council, as at present advised, would prefer not to interfere, even to the limited extent proposed, by legislative action until sufficient proof is forthcoming that legislation is required to meet a serious practical evil, and that such legislation has been asked for by a section, important in influence or number, of the Hindu community itself.

6. With this expression of his views, His Excellency in Council has decided to publish all the opinions which have been submitted to the Government of India on this important question in the form of a Selection from its Records.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information;

that the Resolution be published in the Supplement to the *Gazette of India* for general information

and that the Resolution, together with the papers read in the preamble, be published as a Selection from the Records of the Government of India.

(True Extract.)

A. P. MacDONNELL,

Officiating Secretary to the Government of India.

Note I.

INFANT MARRIAGE IN INDIA.

The British Government put down infanticide by law. That was a great gain to society apart from higher considerations. But we find infant marriage in practice a more serious evil than infanticide. For, whereas the latter was one short struggle, in which the victim was almost unconscious, an ill-sorted infant marriage entails life-long misery on either or both parties. Infant marriage is the cause of many of our social grievances, including enforced widowhood. The argument that such arrangement forbids the exercise of free will on the part of those most concerned may not commend itself readily to all practical reformers. For parental control is necessary and mostly beneficial even when the parties have come to years of discretion. Absence of choice, therefore, is not my only complaint. But the area of selection is so narrow where society is split up into numerous castes and sub-castes, that practically Hindu parents have to make Hobson's choice of it: to accept the first boy or girl available or to buy one who comes the cheapest, all things considered. There may be physical defect or moral taint on one side or the other. But so long as this, and no other match, is to be secured, why, it must be secured at all risks. What wonder, then, if many of these forced unions turn out unhappy? The physical defect may increase with age, the moral taint may grow into a malady. The wife may outgrow the husband, or "the husband may become fit for the grave when the wife becomes fit for his home." There may be total or partial absence of physical adaptability or hopeless disparity of temperament. In any of these events the "married martyrs," as they have been aptly described, are socially alienated from each other, though perhaps living under the same roof. These are some of the many dread contingencies.

But let us take the union to turn out happy, as it no doubt turns out in a large number of cases. What follows? A too early consummation of the nuptial troth, the breaking down of constitutions and the ushering in of disease. The giving up of studies on the part of the boy-husband, the birth of sickly children, the necessity of feeding too many mouths, poverty and dependence—a disorganised household leading perhaps to sin. In short, it comes to a wreck of two lives, grown old almost in youth, which might, in favourable circumstances, have attained to happy and respected age. That this is not an overcharged picture will be admitted by those who have even a superficial acquaintance with the domestic affairs of our people. Last of all comes death to the relief of the husband or the wife. If the former, it adds one more widow to the forty million and odd, and two or three orphans to the fraternity of unprotected infants. Here we are confronted with that grave economic problem—over-population in poverty. If over-population is felt as an evil in advanced and wealthy countries, where natural and artificial means exist to hold it in check, what must be the effect of over-population in a poor and backward country, where the evil is actively stimulated by unnatural means? Can the State take no cognisance of this economic phase of the evil, apart from the social aspect with which a foreign Government may well hesitate to meddle?

We are often told by benevolent Let-Alone-ists that the only remedy possible is to educate public opinion on the subject, and then to set this educated public opinion to cope with the evil in operation. This is no doubt a very sound doctrine. But where such a very small portion of the population of India have received elementary education after so many years the chances of bringing educated public opinion as a force to bear upon the question are extremely slender. The higher classes of Hindus, the more educated amongst them, feel the necessity of discountenancing child marriage; and most of these would un-undoubtedly act up to their convictions if they only could. But caste is too powerful even for men in that position. Where the girl's parents are enlightened, the boy's may be the reverse; and as that is the only eligible boy *in the caste*, the former are obliged to sue for terms. Amongst the illiterate mass early marriage obtains most widely, and amongst them least able to bear the strain, the consequences of such marriage are most far-reaching. They tell disastrously on the physical and social well-being of not only the contracting parties, but even their children and their children's children. We occasionally hear of a

debt incurred by a man towards the marriage expenses of his youngest son having to be repaid by his grandson or great-grandson.

I have never heard an argument in favour of infant marriage as a national institution, except that it is enjoined by the Shastras. But so far as I have been able to see, no Shastra enforces marriage proper on a girl under 12 years of age, when presumably the boy must be between 15 and 20. So much as to the social or so-called religious aspect of the practice. In India every custom that is unintelligible, or actually indefensible, becomes a religious question, the merits of which we are not supposed to appreciate in this *Kali-yuga*. But taking infant marriage as a purely economic question, as a source of over-population and consequent disturbances, can the State do nothing to check it? I would not propose a legal ban to be placed upon it. But an enlightened Government might well show its disapproval of the practice indirectly. To begin with, the Educational authorities might rule that due notice being given, no married student shall be eligible to go up for University examinations, say five years hence. This would be some check. Several other departments of the State might also devise similar means to discourage this pernicious custom of modern India. I have little doubt that some such expedient would be welcomed by leaders of native society in all parts. An enlightened Hindu friend writes to me from Bengal cordially approving the proposal.

Our educated young men can do a great deal to strengthen the hands of authority in this direction. An excellent suggestion was made only the other day, that University graduates and others should form themselves into an association and take a pledge not to marry under a certain age. To which another suggestion, equally good, has been added as a rider, namely, that no educated man should marry a girl too much under his age. This would be a fair beginning for the educated class.

It appears to me that the State has a right to insist upon having the best available servant, if not, the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married, all other qualifications being equal. I am not blind to the risk to which this proposal is open; but the advantages far outweigh every possible inconvenience. Then, again, the Educational Department may give a few chapters in its school-books, describing the evil in its various forms. The State may offer indirect inducements to students remaining unmarried up to a certain age. There are ways in which the Executive can do a great deal towards the mitigation of social martyrdom without invoking the aid of the Legislature. Let the officer evince personal interest in the matter, keeping his official position in the back-ground. It is such friendly sympathy, in my opinion, more than anything else, to which we owe what little progress we have made socially during the last fifty years, especially in the matter of female education. And I suspect that something very like gentle moral pressure had to be exercised by friendly officials when girls' schools were first opened in the mofussil and pupils were hard to find. Parents would not allow their daughters to be out of sight for a few hours every day. But the thing had to be done, and we have now a girls' school in almost every large village. Shut up these schools to-day, and I daresay the villagers will make a grievance of it.

The most obnoxious amongst early marriages (which are often unequal in point of age) are—(1), the marriage of an infant girl with an old man—the object generally being for the bride's father or relatives to secure money from the bridegroom. This is much the same as selling the child, selling her into slavery, and worse. Now the State may not directly interfere with the transaction. But indirectly, I think, it can aim a deadly blow at the practice itself. For instance, by ruling that the money received from the bridegroom, the price of the girl disposed of, is not to belong to the seller, the parent or relative of the victim, but to be safely deposited in her name and for her exclusive use. Some such ruling will discourage marriages of the kind. And where the marriage does take place, the money paid by the bridegroom, the cost of the bride's sacrifice, will be a comfort to her in widowhood. For, in all human probability, the girl must become a widow, in which case she has at present to be solely dependent on her male relatives. This suggestion was made to an English friend by a competent Hindu authority at Madras about a year ago.

2. Another objectionable form of marriage, so-called, is—a girl of 12 to 15 married to a boy of 8 to 10. When we know that the marriage is brought about by the father or the elder brother of the boy who (the father or the elder brother) is a widower, we may guess the object. It is a criminal arrangement, leading to sin all round, and to much suffering for the unfortunate girl who must in name remain the wife of the boy. When the boy-husband realises his position, he may murder the wife, the father or the brother. For proof positive the reader may search the records of a Magistrate's Court here and there: of presumptive

evidence there is no lack. The evil is limited in area: but it is none the less a horrible thing. How long will society and the State put up with it?

BOMBAY;
The 15th August 1884.

BEHRAMJI M. MALABARI.

Submitted for consideration.

NOTE II.

ENFORCED WIDOWHOOD.

I may begin this note by saying that personally I do not approve of re-marriage in either sex under ordinary circumstances. Nor do I endorse the vulgar prejudice that the Hindu widow is necessarily a social danger and must, therefore, be re-married by force. As a matter of fact, the Hinduani is, by blood and tradition, an excellent type of womanhood in all relations of life. But in modern India woman seems to have become, as if by common consent, the inferior of man as a social unit. She is married in infancy. In case of early death of the husband, she has perpetual widowhood before her, even though still an infant. Her life is a social failure. In most things she is at the mercy of others, because the average Hindu widow is not able to appreciate and protect her rights as a member of society. To many it is a wonder that the world hears so little of the results of such social inequality. I believe this is so because woman is the sufferer. It is not in her nature to publish her wrongs, however great. A Hindu woman complains little. But that little, in the present case, is too much for those who know. The widows of Gujarat and of Maharashtra, of Bengal and North-West, of Punjab and Madras, have often set forth their grievances, in prose and verse, in odes and elegies, in piteous appeals and memorials to the Collector of the district, to their Mother-Queen, and to their gods and goddesses without number. To be sure there are thousands of young Hindu widows leading pure, if not happy, lives. We hear of a case now and again in which the widow is the guardian angel of the house and the street, who, having lost the sharer of her joys and sorrows while yet a girl, consecrates her womanhood exclusively to works of charity, cherishing the hope of union in a better world. But if there are thousands of such saintly beings in Hindustan, there must be millions of simple misguided creatures, exposed to all sorts of trials and temptations, whose lives are a curse to themselves, and, in some instances, a standing menace to society.

Hindu parents deplore no misfortune so much as they deplore the widowhood of a young daughter. But it is a common misfortune. And its consequences are generally so inevitable, that exposure is a rare occurrence. When every village almost may be covering its shame, or may be in daily dread of having to do so, connivance is the only hope of the community. Direct evidence being nearly impossible in a suspected case, the policeman finds free scope for the exercise of mercy or cupidity. Yet, how many cases of infanticide do we hear of every month? And these are only exceptional cases that come to be known. The unknown ones may be twenty times more. There is a regular system of free masonry maintained for the purpose—the removal of the widow in trouble on visits to distant relations or on pilgrimage—which baffles detection. When all attempts fail, the mother's health is ruined for life, or she dies with the babe unborn.

It is sometimes urged that enforced widowhood must be accepted as a necessary evil. If so, the question arises—Is Hindu society reconciled to the evil? No; society is and has long been in revolt against this inhuman custom. Educated young men, and many of the orthodox old, are anxious to be saved from its demoralising effect, if for no higher purpose, at least for their own interest. Why don't they, then, shake off the evil? Because the Hindu is hard to move; caste exercises overpowering influence; caste is more potent in its secret persecution than was the inquisition of Spain. Not only are the offending couple excommunicated, but their relations and friends too may become outcasts henceforth and for ever (unless they can afford to buy re-admission) in life and in death. They are shunned like a moral plague. No European can have an idea of the operation of this dread award: it is more bitter than the bitterness of death.

Such are the results virtually of the abolition of *suttee* by the British Government. Had Mountstuart Elphinstone and Lord William Bentinck anticipated them, they would have paused before enforcing the law without its legitimate corollary. For, whereas *suttee* was one single act of martyrdom or heroism, as the victim conceived it, and an act of religious merit popularly believed, the life which caste imposes on an unwilling widow is a perpetual agony, a burning to death by slow fire, without any chastening or elevating

effect on the sufferer or any moral advantage to the community at large by way of compensation.

Now my contention is—Has caste the power to punish an act which the State recognises as legal and natural, and for which, in fact, the State has presumably rescued the widow from the flames? The plea as to remarriage of all widows being forbidden by the Shastras has long been known to be untenable. The only rational objection that is urged against remarriage is based on the theory of over population. But all remarried couples do not necessarily transgress the laws of population. Caste has no objection to the widower marrying again, as often as he likes, and more women than one at a time if he so wishes. Its cold-blooded philosophy is reserved only for the woman who has lost her husband, that is her all in life. Here, then, is a conflict between State and caste. Who is stronger?

It has often been asked—Why does not the re-married widow or her friend seek the protection of the law against her persecutor? My answer is a simple question—Why at all do you allow the oppressor to oppress the weak and the innocent? Government save the widow from compulsory immolation. Henceforth the widow becomes a ward of the State, and has the power, if she have the will, to enter into another honourable contract. And yet caste condemns her to an unnatural, if not an ignoble, course of life, may be for its own purposes, and tramples upon her finer instincts. Why should caste be allowed to do this?

We are again told that the custom has a purely religious bearing. No such thing. It is more a freak of the priestly class and of a set of social monopolists. At any rate, this is what it has come to. And how many bad customs and usages have already been put down which were all alleged to have had their origin in religion? *Suttee*, infanticide, the rolling of the Juggernaut Car: the suppression of these raised a howl of indignation at the time. Government were threatened with mutinies and rebellions. What became of those hostile national demonstrations? By all means, let us respect and preserve all that is good in a custom. But the British Government belie their cherished traditions in putting up with what is harmful simply because it is sanctioned by that custom.

Now, I am not one of those who are for violent interference by the State or for abrupt reforms from amongst the people themselves. We must move with the times, carrying the people with us. *And I say that in this matter the people are ready to go a step further.* Our progress, since the abolition of *suttee*, has not been quite perceptible. But still I hold that a move forward has been maintained all along the line. There have been a number of remarriages in Bengal, Madras, Bombay, and elsewhere, in spite of the stringent prohibition of caste. But this progress has been far too slow. And there are so many obstacles in the way, that those who have watched the movement closely apprehend a re-action if the people are left much longer to struggle on by themselves. Karsandas Mulji, our foremost social reformer on this side, died broken-hearted under implacable persecution. Happily we have societies and associations working in aid of this particular reform. The widow's cause has enlisted the sympathy of notable men, official and non-official, European and Native, who think it cruel to take full cognizance of the errors and irregularities incidental to enforced widowhood. All that now seems to be needed is the interposition of authority to a small extent. Let Government rule—

(I.) That no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will.

Here I need not be reminded of Act XV of 1856. It is a fairly adequate provision in itself. But what has it done for the remarried widow and her friends in the course of the last 28 years? Practically it has remained a dead letter. I ask for little more than that the existing provision be made known to the victims and enforced in their favour by all possible means. That the secret opposition of caste be met by some indirect encouragement to them from the Government. Show your dissatisfaction at the prevailing state of affairs and your anxiety to do something on proper representations being made. At present there is a struggle between caste and the code. It is an unseemly encounter. The practical impunity—the feeling that Government cannot and will not interfere—encourages the aggressors quite as much as it discourages the aggrieved seeking redress from the tyranny of caste.

(II.) That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her.

(III.) That every widow, of whatever age, shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp duty, attendance at court, and so on.

(IV.) That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals.

Unless some such protective measures are adopted in time, I repeat there is fear of reaction at least on this side of the country. What little progress has been achieved after thirty years of arduous struggles may be washed away by one wave of the returning tide of fanaticism. If Government fail, as guardians of the unprotected, to rescue the widow from this terrible thraldom, they will, in no small degree, be responsible to the Supreme Authority above, and to the civilised world for the results of a vile custom in working.

For there is scarcely a village in India, scarcely a hamlet, whose shrine is not desecrated by murder; where the blood of the innocent does not pollute the sanctuary of its God. Emancipate the woman of India, ye English rulers! Restore to the widow her birth-right of which she is robbed by usurpers who owe no allegiance to God or to man. Give her back the exercise of free will. Is it meet that in the reign of the most womanly Queen, the women of India should remain at the mercy of a foul superstition? Raise the status of our women, and in time England shall be furnished with a Volunteer Corps, a million strong. Win the blessings of India's women,—the most grateful amongst a most grateful nation. You are following in the steps of your predecessors. Then complete the reform inaugurated by them, carry it to its logical conclusion. Declare that the widow, being the State's adopted daughter, shall not be wronged by caste and that even if custom allows the wrong to be perpetrated, the victim shall be avenged by law.

But I am afraid what I ask in the last paragraph is a question of time. Government may not at present go beyond the four suggestions made above. Nor would it be advisable to press the authorities. I believe an advance would have been made before now by the people themselves but for certain conditions which have always operated adversely on the progress of the native community. In the first place, it is a mistake to trust entirely to the educated agency. Education by itself has failed to secure influence in the country. Our educated young men want position. They are no match for the priestly class, who are, in a sense, better educated. Nor are the orthodox Pandits so devoid of sympathy as young reformers seem to fear. Be that as it may, it is a fact that the mass of the people look up to the Pandits and Shastras as their guides. The priest is a friend of the caste, the custodian of its honour and integrity. He directs the affairs of many a household, and is instrumental in maintaining the patriarchal relations between old and young, rich and poor. The priest is an institution whom the poor man worships, and the rich man thinks it a privilege to bow to his teachings. Besides, so long has this priestly class been on the defensive against attacks from within and without, that organization—that is the power to work together—has become the law of their very existence. Has the average educated man, the young reformer, any two of these advantages to offer for our purpose? Modern education has made him impatient and offensive. He has no hold on the popular mind. Not only have his orthodox neighbours no confidence in the educated young reformer, but they look upon his doctrines with positive distrust. Then, again, in many cases his acts fall short of his words. Last of all, the educated class lacks the means for organization—the different elements are generally so incohesive. I hope and believe that these are only temporary difficulties. But there they are, and one is obliged to recognise them as seriously interfering with the usefulness of the educated class in matters social.

If an earnest reformer, therefore, wishes to carry the mass with him, he finds the support and co-operation of the priest indispensable. And such support he may not seek in vain. The priest is not so bigoted as to deprecate social progress. But he is rather shy of outside light, and wants gentle handling. The reformer must go to him as a friend, and perhaps as a suppliant.

At this stage I would propose the establishment of a national association for social reform with the existing societies as branches, and get most of the prominent members of Government to join as sympathisers, from the Viceroy and the Governors downwards. I am not without hope that our cause would interest them so far. Indeed, we might look further up, going to England for similar countenance. An institution like that would have a certain prestige—people would deem it an honour to be associated with distinguished members of the ruling race. Besides its direct practical advantage, the presence of English friends, might deter Native members from backsliding when the time came for action. The wealthy and influential association may then try the usual plans of operation, lectures, tracts, &c., *for the people,* under the sanction not only of the secular rulers, but also of their spiritual guides. All such attempts in the past have been all but useless as directed upon the small educated class who knew the evils full well but had no power to remedy them. Let the people be addressed

directly in their own vernaculars. Let the poet and the pandit go hand in hand, scattering the seeds of true knowledge broadcast amongst the mass, to bear fruit in time. Let Government move to some extent under a sense of humiliation that a hundred years of British rule could do but so little towards the amelioration of the social condition of the subjects. And let the people, too, now move for very shame, remembering that there is no hope of political elevation for us so long as we live, and apparently love to live, in such social degradation.

BOMBAY; }
The 15th August 1884. }

BEHRAMJI M. MALABARI.

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department, to the Secretaries to the Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, Punjab, Chief Commissioners of the Central Provinces, British Burma, Assam and Coorg and Resident at Hyderabad,—No. 39—1506-15, dated Simla, the 11th September 1884.

I am directed to forward for * and for such observations as † may desire to make, a copy of a paper on "Infant Marriage" and "Enforced Widowhood" in India by Mr. B. M. Malabari of Bombay.

*	Madras ... Bombay ...	the information of His Excellency the Governor in Council
	Bengal ... N.-W. Provs. & Oudh ... Punjab ...	the information of His Honor the Lieutenant-Governor
	Central Provinces ... British Burma ... Assam ... Coorg ... Resident at Hyderabad...	your information
†	Madras ... Bombay ...	His Excellency the Governor in Council
	Bengal ... N.-W. Provs. & Oudh ... Punjab ...	His Honor the Lieutenant-Governor
	Central Provinces ... British Burma ... Assam ... Coorg ... Hyderabad ...	you

2. The subject is one of great importance to the social well-being of the people, and the Governor General in Council would be glad to receive any observations which † may desire to make on it.

3. If † should think it desirable to consult a certain number of official and unofficial persons well acquainted with nnative feeling on the question, there would be no objection on the part of the Government of India to this being done.

From the Chief Secretary to the Government of Madras, to the Secretary to the Government of India, Home Department,—No. 2250, dated the 24th September 1885.

With reference to your letters of the 11th September 1884 and 9th January 1885, on the subject of infant marriage and enforced widowhood in India, I am directed by His Excellency the Governor in Council to offer the following remarks.

The opinions of many of the leading Native gentlemen of this presidency were asked for, as will appear from a perusal of the enclosures to this letter. Up to date, however, but few replies have been received. The subjects on which the observations of His Excellency in Council are requested have, long before the receipt of Mr. Malabari's notes, attracted much attention in this presidency, and it is conjectured that the backwardness of its most prominent men to favour Government with their opinions on this occasion is in a measure due to ignorance as to Mr. Malabari's qualifications and claims to lead reform in this direction.

G.O., 18th October 1884, No. 2270.
Do., 18th November „ „ 2480.

Such opinions as have been received fairly represent, however, all sides of the question, and they will now be forwarded to His Excellency the Governor General in Council with an intimation that this Government could not view with approval any interference of the kind suggested by Mr. Malabari. As observed by the President of the Hindu Sabha or assembly, such action would be "a clear and unwarrantable violation of Her Majesty's proclamation to bring official influence to bear upon the religious beliefs and practices of the people, and particularly upon the institution of marriage, which is one of, if not the most sacred sacrament of any creed or church." The opinion of this gentleman, himself a reformer, is, as a whole, well worthy of perusal.

The Chief Justice of Travancore points out that the orthodox element, which would be opposed to such interference as is suggested, represents 99 per cent. of the Native community, and, so far as this presidency at any rate is concerned, there is no reason to suppose that this is an over-estimate. He shows the suggestions made for official disapproval of infant marriage are unadvisable, were they, as they are not in the opinion of this Government, practicable and that if widows have unredressed grievances, their existence is entirely due to their own reluctance to bring them to public notice.

The Maharaja of Travancore confines himself to applauding the laudable attempt of the Government to put down infant marriage and enforced widowhood.

Mr. Ramachendra Ayyar, Sub-Judge of Madura, a centre of advanced native thought, considers that Mr. Malabari's suggestions are impracticable, and proceeds at length to show that the evils complained of are not sanctioned by Hindu law as it was in the beginning.

This argument, so often used, His Excellency in Council considers to be of no avail. The Government have to deal with socio-religious laws and customs as they are and not as they were hundreds of years ago. It may be observed, however, *apropos* of his demonstration, that for the law courts to hold at this present time that consummation and not the marriage ceremony made a marriage, would be for the law to sanction retrogression. Civilisation tends the other way.

Another suggestion equally at variance with modern civilisation is made by the Chief Justice of Travancore, *viz.*, that the law should prohibit the marriage of males above fifty in the interests of young girls who may become their brides.

The historical treatment of this subject sheds on it a light too apt to lead inquirers away from the facts with which they have to deal.

The constitution of the selling and buying of minors for purposes of prostitution as offences under the Penal Code cannot surely be held as a precedent for interference with the marriage laws of the people as Mr. Ramachendra Ayyar holds, and the fact that Act XV of 1856 is a dead letter, is a reason for viewing with distrust the measures suggested by him for improving the condition of the widow.

Mr. Subbaraya Ayyar, of the Cochin Appellate Court, contributes to the discussion of the subject an opinion opposed in most respects to that of Mr. Malabari, and he shows how entirely the latter gentleman has exaggerated the extent to which the customs prevail which he so unreservedly deprecates. Of long experience in the Revenue and Judicial Departments, Mr. Subbaraya holds that the Government had better wait till public opinion has been educated up to the point necessary for the initiation of reforms.

There is great danger, it must be remarked, in assuming that the Rajahmundry Widow Remarriage Association, and other societies of the like kind are evidences of a public opinion, which they are in fact endeavouring to call into being. Most pertinently does Mr. Subbaraya ask where such interference as is suggested should stop. The Nair marriage laws, the Muhammadan law of divorce, and many other matters are as much or as little deserving of executive or legislative interference.

Again Mr. Subramanya Ayyar, a gentleman belonging to a family of proved public spirit and with a well-marked leaning to reform, says—

"It is not desirable that the peculiar circumstances of this community should be lost sight of, and popular opinion, however unreasonable it may be considered by the go-a-head reformers, rejected in a consideration of these questions, and that changes entirely out of harmony with the feelings and even the prejudices of the people should be suddenly introduced."

Similarly, Mr. Chentsal Rao, whose views command great respect in this presidency "does not see his way to advising the Government to interfere directly or indirectly."

Mr. Pattabhiram makes many most sensible observations from the point of view of a Hindu gentleman of the old school, and he urges, what reformers are ever forgetting, that infant marriage is the exception not the rule; that in practice its most objectionable features are much modified, and that the proportion of widows to the total population of adult women is habitually grossly exaggerated.

The evils resulting from infant marriage are allowed by all the gentlemen whose opinions are above reviewed and are very patent to His Excellency the Governor in Council, who, however, like Mr. Subramanya Ayyar, prefers "improvement from within to interference from without," and sees the true remedy for existing evils in the education of females in particular, and in progress in civilisation in general, and not in the establishment of "national associations for social reform," and in interference with the religious customs of any portion of the population. Of the existence of improvement from within there are encouraging signs. In August last Sir Madhava Rao, addressing a Hindu audience, advised all intelligent parents to postpone marriages until the girl is more than 12 and the boy 16 or upwards, and urged that it is inhuman to persecute widows who have availed themselves of their legal right to remarry. This is by no means a solitary instance. Witness the Widow Remarriage Association at Rajahmundry, and the liberal spirit of the papers read above, seven of which, out of a total of ten, are by Brahmans.

Various suggestions are made in the papers printed in these proceedings for amendments of the law in various particulars. Should any one of these appear to His Excellency the Governor General in Council at all likely to alleviate the evils under consideration, the opinion of this Government thereon will be at the service of the Government of India.

At present, His Excellency in Council confines himself to a consideration of the suggestions of Mr. Malabari, which he finds himself generally unable to approve.

Extract from the Proceedings of the Government of Madras in the Public Department,—No. 2270, dated the 18th October 1884.

READ the following paper :—

From A. MACKENZIE, Esq., Secretary to the Government of India, Home Department, (Public), to the Chief Secretary to the Government of Madras,—No. 39—1506, dated Simla, the 11th September 1884.

ORDER THEREON.

The foregoing letter from the Government of India, and the papers therewith received, will be communicated to the Honourable Mr. Justice Muttuswami Aiyar, Raja Sir T. Madhava Rau, and Messrs. A. Sethaya Sastri, P. Chentsal Rau, Ananda Charulu, and R. Raghunatha Rau, with a request that they will favour Government with their opinion on the subjects touched on by Mr. Malabari.

2. Mr. Justice Muttuswami Aiyar will also be requested to suggest the names of any other Native gentlemen who in his opinion might with advantage be consulted on the subject.

(True Extract.)
E. F. WEBSTER,
Chief Secretary to the Govt. of Madras.

To the Honourable Mr. Justice Muttuswami Aiyar, C.I.E.
„ Raja Sir T. Madhava Rau, K.C.S.I.
„ M. R. Ry. A. Seshaya Sastri Avargal, C.S.I.
„ „ P. Chentsal Rau Pantulu Garu.
„ „ P. Ananda Charulu Avargal.
„ „ R. Raghunatha Rau, Dewan Bahádur.

Extract from the Proceedings of the Government of Madras, in the Public Department,—No. 2480, dated the 18th November 1884.

READ the following paper :—

From the Honourable Mr. Justice T. MUTTUSAMI AIYAR, C.I.E., to the Chief Secretary to the Government of Madras,—dated the 10th November 1884.

I have the honour to submit herewith a list of the names of Native gentlemen who may, with advantage, be consulted on the suggestions made by Mr. Malabari of Bombay in connection with infant marriage and enforced widowhood among Hindus :—

M.R.Ry. P. Sreenevasa Row Avargal, Judge, Small Cause Court, Madras.
„ T. V. Ponnoosawmy Pillai Avargal, Magistrate, Town Police Court, Madras.
„ V. Bashyam Aiyangar Avargal, Pleader, High Court, Madras.
„ T. Gopala Row Avargal, Rao Bahadur, Professor, Presidency College, Madras.
„ P. Runganada Moodelliar Avargal, Professor, Presidency College, Madras.
The Honourable T. Rama Row Avargal, Pleader, High Court, Madras.
M.R.Ry. Subramanya Aiyar Avargal, Pleader, District Court, Madura.
„ Pattabirama Pillai Avargal, Sheristadar, Collector's Office, Trichinopoly.
„ K. Seshadri Aiyar Avargal, Dewan of Mysore.
„ Kristnasawmi Row Avargal, First Judge, High Court, Travancore.
„ C. Ramachandra Aiyar Avargal, Subordinate Judge, Madura.
„ Tillanayagam Pillai Avargal, Additional Deputy Collector, Madura.
„ S. Seshaya Avargal, First Assistant, Provincial College, Kumbakónam.
The Honourable V. Ramiengar, C.S.I., Dewan of Travancore.
M.R.Ry. P. Vijiaranga Moodelliar Avargal, Deputy Inspector of Schools, Madras.
„ V. Kristnama Charryar Avargal, Registrar of Books, Madras.

ORDER THEREON.

The gentlemen named will be furnished with a copy of G.O., dated 18th October, No. 2270, and requested to be so good as to favour Government with their views on the questions therein raised.

(True Extract.)
E. F. WEBSTER,
Chief Secretary to the Govt. of Madras.

To the Honourable Mr. Justice Muttusami Aiyar, C.I.E.
„ Gentlemen named, with copy of G.O., dated 18th October 1884, No. 2270.

Extract from the Proceedings of the Government of Madras, in the Public Department,—No. 2249, dated 24th September 1885.

READ the following papers :—

From A. SANKARIAH, Esq., B. A., President, Hindu Sabha, to the Chief Secretary to the Government of Madras,—dated Trichoor, the 2nd November 1884.

The Re-marriage of Hindu Women.

I have the honour to submit, for the consideration of Government, my views on this subject—

1st.—The religious sense of the Hindu community is against a woman thinking or having a memory of more than one person as her husband, however readily the animal feelings may in practice overcome the religious sense in individual cases.

2ndly.—The Brahman, who is only a Hindu of religious culture, is honored for holding the animal feelings in subordination to that religious sense.

3rdly.—The agitation against infant marriage and enforced widowhood proceeds from persons, who, by reason of their western education, or of their scepticism, or of their desire to check immorality and infanticide, cannot appreciate the religious sense of the Hindu, and particularly of the Brahman community. This community consists of thousands of families unknown to Government, and are not represented by the agitators and officers known to Government, but by the practising priests.

4thly.—It will be a clear and unwarrantable violation of Her Most Gracious Majesty's Proclamation to bring official influence to bear upon the religious beliefs and practices of the people, and particularly upon the institution of marriage which is one of, if not the most sacred sacrament of any creed or church.

5thly.—Freedom to marry girls and widows at any age is not denied now and was not denied at any time, and the agitators are not just and even honest in interfering with those who do not religiously or socially approve of that freedom. I myself belong to the agitator class, but should be ashamed to call it *persecution* if those who do not believe and act with me disown me as their relative or casteman.

From K. KRISHNASWAMY RAO, Chief Justice of Travancore, to the Chief Secretary to the Government of Madras,—dated Trivandrum, the 13th December 1884.

I have the honour to acknowledge the receipt of G.O., dated 18th ultimo, No. 2480 Public Department, directing me to state my views on the suggestions made by Mr. Malabar. of Bombay, in connection with infant marriage and enforced widowhood among Hindus; and to submit the following observations.

2. The existence of the evils of infant marriage and enforced widowhood, graphically depicted by Mr. Behramji M. Malabari, cannot be denied. There are now two conflicting and diametrically opposite opinions upon the religious obligation of a Hindu girl to be married before she attains age, and to remain a widow, irrespective of her age, at the time the greatest of misfortunes befalls her. The conviction of a large number of educated Native gentlemen —that the Shastras do not prohibit the marriage of girls after puberty, and the remarriage of widows, especially where they happen to be virgins—might warrant the interference of the Government, in some shape or other, in *furtherance* of the policy which led to the passing of Act XV of 1856. But I entertain serious doubts as to the success of the measures proposed by Mr. Malabari to check the evils in any appreciable degree, so long as a very large majority of Natives of both sexes are either opposed to any reform, or are indifferent to it. I may, without fear of contradiction, add that the orthodox element still represents not less than 99 per cent. of the native communities; that nearly 90 per cent. of those who are convinced of the reasonableness of, or the necessity for, the reforms, are not likely to act up to their convictions for several decades to come.

3. I shall first consider the proposals made by Mr. Malabari to check infant marriages. They are, firstly, that no married student shall be eligible to go up for the University Examinations; secondly, that no married man shall be eligible to enter the public service; thirdly, that the price paid to the parents of a girl should, by a legislative enactment, be declared to be the property of the girl; and fourthly, that the marriage of a boy with a girl older than himself in age, should by law be declared null and void. I take it to be the cardinal principle of all Government action that it will promote the happiness of its subjects. In my humble opinion these proposals of Mr. Malabari will aggravate the evils without materially promoting happiness. The number of young men who educate themselves for University Examinations is, and will ever be, a very small fraction of the juvenile population of India. Those who look to, or depend upon, public service would never exceed 1 in 5,000. With the existing belief that a girl should be married before puberty, the consequence of the ruling that no married man shall

appear for examinations and enter public service would be to multiply the evils of early marriage by inducing parents to marry their daughters to comparatively uneducated youths, and to those whose prospects of earning their own bread are gloomy. Experience shows that in respectable families the birth of females preponderates over that of males. To quote the words of Mr. Malabari, "the area of selection is so narrow where society is split up into numerous castes and sub-castes that practically Hindu parents have to make Hobson's choice of it, to accept the first boy available or to buy one who comes the cheapest, all things considered." In other words, already a scarcity of competent bridegrooms is keenly felt. The rule proposed would, in my opinion, convert it into famine. The expenses of the marriage of daughters in respectable families is now unbearable, if not ruinous. The proposed rules would make them absolutely ruinous; as no promising young man could be found willing to give up the prospect of academical honors and lucrative professions, unless the father of the bride pays down such a price (vara datchana) as would induce him to marry, foregoing all the educational and professional advantages. I cannot better conclude this part, than in the following words of an illustrious personage with whom I had the honour of conferring on the subject: "The result of the proposed rules will be the Government will get a crop of raw and thoughtless servants; and the Indian girl, the stupidest husband."

4. It may be argued that in the same way in which many a superstition has ceased to exercise its influence in the face of necessity, the Hindu community will tacitly gives its consent to the postponement of marriage of girls until such time as properly qualified bridegrooms could be had. Those who advance this argument forget that the exploded superstitions had no bearing upon the unions of sexes in marriage. It cannot be denied that the social progress of Hindu society is arrested wherever a woman has to be consulted. None could be so cruel as to refuse a voice to the mother in the marriage of her daughter. Women in all countries are more conservative than males. In India, the ignorance of the generality of the fair sex makes the matter worse. Neither the priest nor the matron of the family could be induced to consent to postpone the marriage of a girl beyond the period of puberty by any amount of explanations upon the difficulties of the situation. They, with their notions, nay convictions of *predestination*, could not be made to see the utility of giving the girl in marrage to one whose future prospects are comparatively brighter than those of one whom they would select with the sole object of fulfilling the requisites of religious usage. An attempt to set at naught the time-honored priests, elders and matrons of the family, disturbs domestic harmony and peace, and fails in 999 out of a thousand cases. As it is, the life of the father of a girl in a respectable family is full of anxieties and trials. The proposed rules would only make it unbearable.

5. So long as infant marriages are not legally prohibited, I do not think it wise to meddle with the existing state of things and make rules, the effect of which would certainly be to hold out a premium to ignorance and incompetency; to multiply the evils and the expenses of marriage on the bride's side, and thereby add to the poverty and misery of India; and to bring about unions more deplorable than those now contracted.

6. The law declaring that the price paid to the parents of a bride, by the bridegroom, is the property of the girl, would be a dead letter. It may grace the Statute book, but it would be honored only in the breach of its provisions. The misappropriators of this money being parents, the girl as well as her husband would be most reluctant to take any legal steps to compel its proper application. Generally those who sell their daughters in marriage are poor; and they do not really stand in dread of decrees that may be passed by the Civil Courts who are bound by law not to *imprison an insolvent*. The denunciations of Manu against the usage of receiving money in consideration of giving a daughter in marriage, and the explicit and unanimous declarations of Rushies that a girl who is given in marriage by her parents in consideration of money, dces not become patni (wife) but she is a dasi (concubine); and that her gotra does not change by such marriage, have had no effect in checking the abominable practice which, I regret to say, is on the increase.

7. I have seen in the Northern Circars of this presidency so much of the evils of the parents receiving money to give their infant daughters in marriage to men who, by their character, age, social position, and physical strength, are utterly unfit to marry, that I feel it to be my duty to propose legislation to prohibit the marriage of males *after* the age of fifty. The evils are so faithfully and graphically described in a Telugu drama entitled "Brahmya Vivaham," by K. Veerasalingam of Rajahmundry, that I cannot resist the temptation of inviting attention to it. The legislation I propose has the support of the Shastras, for, according to them, none who is more than 50 years old should marry.

It will in a measure reduce the chances of widowhood with its train of evils. The plea of religious necessity which many an old and sickly man puts forward to justify his marriage with a girl fit to be his great-granddaughter, rather than his partner, is perfectly untenable; for the marriage of a widower is not a religious necessity, and Sri Rama, than whom there is no higher Hindu authority, performed many aswarnada yagoms, with the gold image of his departed wife (Seetha) to supply the place of a wife in such ceremonies. I would not raise my voice against the marriage of an old man to an infant, if he marries under a *real* conviction of religious necessity, *i.e.*, to keep agnikotram (fire), but not one in a hundred old men who marry ever dreams of keeping agnikotram, and much less keeps it.

8. It may be argued that the legislature will not be justified in prohibiting the marriage of old men, for by doing so, it will act contrary to the laws of all nations. In countries where marriage is a matter of contract and the bride has the right of choosing her own partner in pleasure and in sorrow, there will be no necessity for placing any restriction on the right to marry, but in India, the *protection* of the *interests* of minor *girls* who are often victims of the caprice and sometimes of the avarice of their guardians, renders it necessary that some restriction must be imposed.

9. The practice of marrying boys to girls older than themselves seems to be confined to a very small section of low classes in certain districts among whom marriage after puberty is not prohibited. Marriage of girls being compulsory, and the difficulty of procuring husbands of proper age of the same caste as that of the girl seem to be the sole reason for the existing practice. So long as caste system exists, I doubt not that a legislative prohibition of such marriages would be considered as a serious grievance. The propriety of passing such a law is very questionable, as among the civilized communities of Europe such marriages are of daily occurrence.

10. I will next proceed to consider the proposals made by Mr. Malabari to mitigate the evils of enforced widowhood. They are (1) that no Hindu girl who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will; (2) that arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her; (3) that every widow of whatever age shall have the right to complain to the authorities of social ill-usage (*over and above* excommunication), and that proper facilities shall be afforded her for the purpose, such as gratuitous service of Counsel, exemption from stamp duty, attendance at court and so on; and (4) that the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals.

11. As a rule, widowed girls are allowed, until they attain the age of 18 or 20 to retain their locks, wear jewels and flowers, and to have meals, as their more fortunate sisters under coverture. But the strong but silent disapproval with which society looks upon these innocent enjoyments of the unfortunate young widow, and the example of others in her position, make her seek the miseries of widowhood, in preference to the comforts allowed to her by her loving parents and relatives. It is, as a concession to the young widow's repeated entreaties, that the parents and relatives often consent to the performance of the most melancholy rite of tonsure. I do not deny that there are bigoted men, who, in their religious fervour, have subjected girls of 7 or 8 years old to all the miseries of perpetual widowhood. But their number was never large and is now dwindling. I may even say that such men are now very rare phenomena. It is not, in my opinion, expedient to put the machinery of legislation to do what is now being done without it. The laws now in force contain adequate provisions for the protection of a widow. If against her will, she is compelled to go through the melancholy ceremony of tonsure, the offenders will be liable to prosecution on charges of assault, causing hurt, using criminal force, &c., under the Indian Penal Code. Ample provision is made in Act XV of 1856 for the marriage of widows and for the protection of their civil rights. She is also protected from wanton insults, resulting from the offensive and unnecessary publication of bulls of excommunication, by the judgment of the Madras High Court in Empress *versus* Sri Sankarachary Swami. If widows have *unredressed* grievances, their existence is entirely due to their reluctance to bring them to public notice. Courts, civil or criminal, cannot, of course, take cognizance of cases not duly submitted for their decision. So long as people, either by ignorance or indifference, do not avail themselves of legal remedies to which they are entitled, no law, however elaborate and stringent, can help them. The social ill-usage to which Mr. Malabari refers is always of a *negative character*, such as refusal, direct or indirect, to associate with a married widow or her husband, or her active sympathizers, in meals, religious

ceremonies, and in social gatherings. No legislature of the nineteenth century would attempt to make friends and unmake enemies by its laws. Even if the power of priests to excommunicate married widows, their husbands, relatives and friends, be taken away from them, there will be nothing to compel the priest or the unwilling society to associate with the remarried pairs and their connections, in meals, religious ceremonies, and in social gatherings. I must here add that Mr. Malabari has no objection to the priest excommunicating the principal parties to the second marriage. From what has recently passed in Madras, in connection with the bulls of excommunication issued by one of the leading Muttadipathies, one might legitimately infer that priests will, in the long run, be not disposed to exercise the power of excommunication, if by the exercise of it they would lose a large number of their wealthy disciples.

12. In conclusion I may state that the complaint of the Widow Marriage Association of Rajahmundry, under whose auspices a dozen widow marriages were performed in Brahman and Vishya families, is not that the laws are defective; but that they could not command necessary funds to pay the expenses of marriage and to maintain such of the married pairs as are unable to support themselves. The best possible aid which the Government can give seems to me to be periodical donations to the Widow Marriage Fund upon such conditions as would not encourage idleness. I need hardly add that both the widow who remarries and her husband will, for a long time to come, be deserters of their families, and that they would, therefore, require State support until the innovation becomes popular.

From His Highness Rama Varma, the Maharaja of Travancore, to the Chief Secretary to the Government of Madras,—dated Parpanangudi, the 10th December 1884.

It is with much pleasure I learn that the Madras Government has requested certain leading members of the Hindu community to express their opinion on infant marriage and enforced widowhood,—two terrible evils of that community. While I applaud the laudable attempt of the Government to put down, if possible, these two bad practices, I do not for a moment doubt but that the majority of those sensible men now consulted will express their decided opinion against these horrible causes of much misery and "biting afflictions" to their poor sisters and daughters. I would have written to you earlier on the subject, but my eyes were not well, and I was under treatment.

From C. Ramachandra Aiyar, Esq., Subordinate Judge of Madura, to the Chief Secretary to the Government of Madras,—dated Madura, the 17th December 1884.

In obedience to the order of Government contained in G. O., No. 2480, dated 18th November 1884, I have the honour to submit my views on the questions raised and suggestions offered by Mr. Malabari of Bombay, in connection with the infant marriage and enforced widowhood among Hindus.

2. The evils arising from infant marriage and consequent widowhood have been too well known to Government to need any discussion from any Hindu. From my experience of twenty-three years of several districts in the presidency, I am in a position to assure the Government that in spite of the liberal education, and a painful consciousness on the part of the educated men of the evils of all sorts arising from it, infant marriage has become more numerous than ever, and I should say it has become the mania of the people at large. Even graduates of the University and educated men generally have been disposing of their infant girls of two or three years by marriage, simply from an apprehension that they could scarcely get rich boys or sons of rich men at a future time.

3. The fashion of the day is that infant girls of rich men are forced upon the sons of rich men with dowry of great value, and that in a competition of this kind the boy's parents choose the infant who brings them the largest sum as dowry. That a reform in this direction is certainly needed has been admitted on all hands; but nothing can be done and will be done by the Hindus if they be left to themselves even for a century to come. A few of the educated Hindus no doubt take real interest in effecting a reform in this matter, but their exertion is not enough to override the powerful opposition of the masses under the influence of their priests. To substantiate my assertion, I would respectfully ask the Government to ascertain if there is to-day any graduate or educated man who, as father of infant girls, has not got them married while they were infants; or if there is any graduate or educated man who has had the moral courage of keeping his daughter unmarried till she had attained her puberty and then getting her married. No one will come forward to say that he has done so. This will

show clearly that no good in this direction can be expected from the joint action of the educated Hindus or Hindus generally. The graduates and educated men generally who become widowers by the death of infant girls betrothed to them have not had the moral courage of marrying at least infant widows who have not attained puberty and setting an example to the masses at large. Educated men instead of coming forward as leaders wish to be followers.

4. If infant marriage can be stopped by any means direct or indirect, remarriage of widows may not demand much attention. But the suggestions offered by Mr. Malabari, such as restricting the admission to University honors to unmarried boys, heads of departments in the various branches of the Government service preferring unmarried to married candidates, and the Government ruling by legislation that money obtained for an infant girl married to an old man is her own money, and should safely be deposited in her own name, appear to me to be quite impracticable and not at all calculated to produce the desired effect, for they are restrictions which would not affect the whole community. All those that pass the Matriculation Examination do not aspire to University honors.

5. I beg to be excused for submitting here that the Government, while conscious of the evils arising from infant marriage and sincerely evincing a desire to remedy the evils by some means or other, have been unconsciously abetting and encouraging it. I say so, because the Courts created by the British Government so far back as 1805, without thoroughly investigating into the question when raised, and without acquainting themselves with the forms and ceremonies constituting infant marriage, but relying upon the statements of the old priests, whose prejudices in those days were deeper than the prejudices of the orthodox Brahmans of the present day, having condescended to recognise in a betrothed infant girl the status of a widow and all the incidents of property appertaining to a widow under the Hindu law, was an incentive to infant marriage, and the Government have been pleased to recognise it as the law of the country. Before applying the rights of a widow to an infant girl it was for the British Courts at the commencement of its rule to have ascertained upon thorough investigation whether a betrothed infant girl attained the status of a widow by the death of the boy to whom she had been betrothed, or whether the term widow in the Hindu law applied only to a married girl who lost her husband after the true consummation of the marriage. If an inquiry into this question be now instituted, I feel sure that it can be shown to the satisfaction of the Government that the term widow has, through misapprehension, error and ignorance become perverted from its original signification so as to apply even to a babe in the arms of her mother. I shall now refer to a few facts which I believe will convince the Government that even among the Brahmans of all classes no marriage was considered complete before the actual consummation, and that they now in giving effect to this rule make the infant couple pass through a form of symbolic consummation forgetting altogether the reason of it.

6. As Sub-Judge I have had experience of Ganjam, Vizagapatam, Cocanada, Bellary, Pálghat, Calicut and Tellicherry, and I have attended innumerable marriages. Pálghat is noted for its Brahman population consisting of nearly 8,000 houses of Tamil Brahmans, and some of them have settled themselves at Calicut and Tellicherry on employment and trade. The Pálghat Brahmans though called Patter Brahmans do not form an isolated class of Brahmans, but at one time they belonged to the community of Tamil Brahmans inhabiting the East Coast and Districts of Tanjore, Madura and Tinnevelly, and migrated into Malabar and settled themselves permanently at Pálghat. The Pálghat Brahmans and the Brahmans of the East Coast do perform the tale tying (தாலி) ceremony, and Saptapathee on the first day, and on the fourth night they make the infant couple sleep on one mat in a room which is only a symbolic consummation or a symbol of actual consummation which is essential to the completion of a marriage. The same practice is observed even to this day in all the Brahman families of Travancore and Cochin, and in some of the Brahman communities of Tanjore, Madura, and South Arcot Districts. Among the Telugu Brahmans of Northern Circars, Masulipatam and Bellary, on the fourth day of the infant marriage, the infant couple are made to sit on one mat, and they are made to exchange betel and nut and chew, which is only a symbol of consummation; whereas it is not done on the first day. I call it a symbol because the first thing that a husband and wife do on the date of actual consummation of marriage as soon as they retire into the bed-chamber is to exchange betel. This practice is observed invariably on the fourth day of marriage by all classes of Brahmans.

7. Let us ask the very Brahmans who do not fail to make the infant couple sleep on the fourth night on one mat what it stands for, and what it is required for. They do not know the reason of it. It is for the enlightened Government and for the enlightened members of the community who should co-operate with it to understand correctly what it represents. As I have already stated, it is only a symbol of consummation without which no marriage is complete. I have been carefully observing the forms and ceremonies of marriage, and as the result

of my experience I have alluded to, the above-mentioned fact at page 4 of my introduction to the Manual of Malabar Law published last year in the following words:—"The (Nambudries) nuptials invariably take place on the fourth night of the marriage, a circumstance which shows that without consummation of the marriage there can be no marriage. Even among the non-Malabar Brahmans, with whom child-marriage is the rule, the infant couple are made to sleep on one bed in the room on the fourth night of marriage. And this is done in compliance with the requirements of the Shastras as essential to the completion of the marriage, but the Brahmans, in whose view reasoning and attempt to know the reason of every ceremony are symptoms of a tendency to desert one's religion and become an outcaste, have by long custom forgotten the reason of such mock consummation on the fourth night." This mock consummation proves beyond doubt that child-marriage which was not so common is only a later graft on the ancient marriage after puberty. No British Court has gone into these questions up to this day. But it would appear to have merely assumed that a betrothed infant girl attained the status of a widow, or, in other words, that actual consummation was not necessary to entitle a betrothed girl to be considered in every respect a wife.

8. If the Judge of the Madras Sudder Dewanny Adawlut had availed himself of the opinion of the Pandit Venkatesa Sastree to the effect that a woman with whom marriage was not consummated would have no claim to inherit her husband's property, and foreseeing the evils arising from holding otherwise, held a thorough investigation into the question and declined to recognise the status of a widow in a betrothed infant girl, by this time infant marriage would have received a check, and the chances of widowhood occurring at least before attaining puberty would have been reduced to a minimum. Instead of doing so, the Judge in spite of the Sastree's opinion himself observing,—"I know of no distinction made by the Hindu priests between consummation and non-consummation; she is, in my opinion, entitled to be considered in every respect as a wife," held that a betrothed girl was entitled to be treated as a widow. This opinion was only an assumption, and not based upon any expressed text or evidence of custom. Likewise the Adawlut Court of Broach in Bombay, it is to be regretted, failed to take into consideration the opinion of Nurchayram Sastree and Wulubhram Sastree to the effect that betrothment was liable to be revoked for sufficient reasons, such as disease, bad conduct in man, both girl and boy belonging to the same gotram, and the like, which distinctly implied that betrothment alone did not complete the marriage and that actual consummation was necessary. I shall here quote the opinions in their own words:—

Madras.

Sudder Dewanny Adawlut—

"A Hindu employed in the army dies, leaving at his death a betrothed wife with whom consummation had not taken place, together with concubines and both adopted and illegitimate children, and with respect to property, a pension payable to his heirs. Who are in this case his heirs?

Answer.

"The adopted children are entitled to the pension, subject to the obligation of maintaining the concubines. It is so held in Vivandabangarnava on partition of patrimony. But it is not said that women with whom marriage has not been consummated, and illegitimate children, have any claim to inherit."

"VENKATESA SASTREE."

Remark.

"If what is here called betrothment be the first or real marriage (for the fetching home of the bride at the age of puberty, commonly called the second marriage, is merely the solemnization, not the celebration of the rite), the woman cannot be married again (except in some castes, where custom supersedes the law), and *as I know of no distinction made by the Hindu priests between consummation and non-consummation, she is, in my opinion, entitled to be considered in every respect as a wife.*

"In a late case before the Sudder Dewanny Adawlut of Madras, where a marriage had been interrupted by the death of the husband subsequent to betrothment and before consummation, the young woman who survived claimed to inherit to the deceased as his widow, or to be entitled at least to maintenance out of his assets. But the suit was compromised—Venkataram *vs.* Venestasoobormell."

Bombay.

Broach—Court of Adwalut, September 6th, 1811—

"In the case of Kulyan who first betrothed his daughter to Pranwulub, brother of Ruseek, and afterwards to Vessor, on complaint, the custom of the caste having been ascertained by assembling witnesses from Broach, Oklesum and Hansit, it appears that where the first betrothment has been accompanied with presents, it is conclusive; and it appearing in this case that the one in question was accompanied by the delivery of a sum of money, as part of the pulla, or bridal presents, we are of opinion that, as well according to the custom of the castes as the law, the first betrothment ought to be established and have its effect, it being ordained in the Mitakshara, that a girl shall only be betrothed once, unless the betrothment that has taken place be liable to be revoked for sufficient reasons, such as disease, bad conduct in the man, and the like.

"NURCHUYRAM SASTREE."

"WULUBHRAM SASTREE."

Bombay.

Broach—Court of Adawlut—

"The father in this case having betrothed his daughter in consideration of a sum of money stipulated, the betrothment is asura vivaha, and, on payment of the money, it cannot be set aside, otherwise it may.

Ibid.

"The betrothment in question cannot stand, the Mitakshara declaring that those only whose gotra are not the same may be betrothed to each other. And whatever bridal presents may have been given by the boy's father or family to the father or family of the girl must be returned.

"NURCHUYRAM SASTREE."

9. Manu and Mitakshara do not deal with a betrothed infant girl as a widow, but, on the contrary, it is clear from the annotations in the Mitakshara that the term widow is restricted to a woman whose nuptials have been completed. In the annotation on section 7, Chapter I, of the Mitakshara, it is said—" Unmarried signifies one whose nuptials have not been commenced; married whose nuptials are begun." The meaning of the passage cited from Manu is "a young woman betrothed, but whose nuptials have not been completed and who is consequently a maiden, since she is not yet become the wife of the intended husband."

10. In the beginning of the last year the question whether actual consummation was essential for the completion of a marriage was raised and argued before the Honourable Justice Kernan, in a suit brought by a woman as widow of one deceased Krishnamah who was a Brahman by birth and who had, after betrothment of the woman according to Hindu law, but before consummation of the marriage, become a convert to Christianity and married a Christian wife; after his death the betrothed Brahman woman as widow of the deceased claimed his property under the Hindu Law. The question was argued at great length, and the Judge had reserved his judgment, but how the case was disposed of I have no means of knowing.

11. Let me now see from a religious stand point. A woman and no other accomplishes religious ceremonies, or, in other words, religious ceremonies are accomplished by means of "pathni" or lawfully wedded wife. In practice even to this day it is a fact that a betrothed girl is considered unfit and unqualified to accomplish religious ceremonies, or join her husband in the performance of it before actual consummation of the marriage takes place. A Sastree of 50 years old becoming a widower, and physically unfit to be a husband marries an infant girl believing in the Vedic rule that a wife is necessary to help him in the performance of religious ceremonies, without which he could not hope to enjoy bliss in the next world. He knows that the girl he marries is unqualified for it till she attains her age and the marriage is consummated. To render a gift made by a Brahman valid his wife should sprinkle water on the betel which her husband passes to the donee. During the performance of religious ceremonies his wife is required to stand by touching him with a holy grass. During the performance of yogam or sacrifice of sheep, cow, &c., one end of the husband's cloth and one end of the wife's cloth are knit together and they both move together wherever and on whatever purpose they may move. For all these purposes a betrothed infant girl is considered unqualified till she

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attains her puberty and her marriage is actually consummated. These facts, which may be ascertained upon due investigation, also tend to show that a marriage is not completed before consummation.

12. It will very naturally strike any foreigner why the Brahmans, in spite of their consciousness of the infant marriage proving a permanent source of misery, create it by betrothing their infant girls even in their childhood. There are three causes sufficiently accounting for it. Apart from the unfounded notion that a girl attaining puberty before betrothal loses her caste, the difficulty of obtaining young boys suited to the girl as to age and position at a future time as the girl grows as old as 12 or 13, engrosses the attention of the parents, and they begin to negotiate for the boys from the very moment of birth of the girl. The boy's parents receive thousands of offers of the kind with rich dowries and they choose. If the betrothed boy dies, the parties feeling the misery and evil consequence of looking upon and treating an infant girl as a widow are her parents. If we go to-day to a college in any district we can hardly find unmarrried Brahman boys of 12 or 13 years.

13. The next thing that encourages infant marriage is the cursed astrology in which the uneducated women and the educated men alike confide. The credulity of the Hindus is too well known, and this is evident from the present mania of the educated Hindus for Theosophy. Their minds are now too fully occupied by it to pay any attention to social reforms. Astrology has spoiled the country, making the people inactive, indolent and indifferent to improvement of any sort or kind; for every one believes that the country will get on as pre-ordained by Brahma. The Hindus generally, and the Brahmans especially, and even the educated men to this day believe that all the incidents of one's life have been pre-ordained, and the coming good or evil can be ascertained by means of astrology which, they therefore believe, can reveal whether an infant male child will be lucky or otherwise; whether or not an infant girl will get a good husband and lead a happy married life, and whether she will become mother of children, and so forth. No Brahman betrothment takes place without an Astrologer's opinion of the coincidence in every respect of the horoscopes of the infant boy and girl to be betrothed, and the chief thing that the Astrologer is asked to ascertain is that the girl will not lose her husband and become a widow. If the Astrologer says that the horoscopes agree, the parents of the girl think that they have made the best selection imaginable. If any sensible person intercede and suggest postponement of the betrothment at least till the girl attains her twelfth year, so that she might escape the chances of widowhood till then, the strong argument of the people against it is that the fate of the boy and girl and the mode of life they have to lead in this world have been pre-ordained by Brahma, or written on one's skull, and that astrology has been intended by the Rishes to give the people to a certain extent a foreknowledge of such future life, and that nothing could alter one's fate. The females are uneducated, superstitious and filed with deep prejudices, and the males are not less so, and though a few of them be otherwise, they have to humour their women in every respect. Having such faith in the doctrine of fate and events of the future, which astrology is believed to reveal, they argue that a girl destined by fate to become a widow will become so at any time, whether she is married while an infant or married at a later stage of life, and that therefore they might be married at once. The influence which the doctrine of fate and astrology exercises over the Brahmans and Hindus generally is paramount, and I would not acquit of this folly even the graduates of the University who have received a liberal education. It is to be very much regretted that this faith is not shaken a bit, even when they see the funeral ceremonies of bridegrŏoms following in several cases very closely the ceremonies connected with betrothment, and when many infants become widows in cases where Astrologers pronounced coincidences of horoscopes and predicted married life without interruption. Astrologer's ŏwn daughters do not escape such fate. Such failures are invariably attributed by the people and the very Astrologer consulted, to something wrong in the horoscope itself, *viz.*, that the star of the infants had not been correctly jotted down by the people who were present at the time of birth; that in calculation of figures certain figures were added instead of being subtracted, and the like. The Astrologer further justifies his blunder by saying that Brahma misleads him in some cases lest people escape their fate pre-ordained by him, and the people believe in such excuses. The parents of an infant girl, when they hear the death of her husband, cry and mourn over the event and console themselves with the thought that the inevitable fate or Karma, meaning the result of good and bad actions of the former life, could not be evaded by any amount of human precaution. Palmistry, by which gipsies in England indulge in fleecing young girls by predicting their future, is made a criminal offence, and astrology has been breeding more mischief in this country.

14. The next and the strongest of all the inducements to infant marriage is the certainty which the decisive law of the country affords that an infant girl on losing her betrothed

husband becomes entitled to suitable maintenance from the boy's ancestral property if the boy be an undivided member, and to inheritance if he dies a divided member, and that she would not be a burden upon the parents. In consequence of this Judge-made law, the parents of an infant girl do not ask for any settlement either of money or property on the girl at the time of betrothal as a provision for her maintenance in case of her becoming a widow. In rich families no money is paid for the girl, but on the contrary presents are made by the parents of the girl to the boy. In the case of the people of ordinary circumstances which constitute a great majority of the mass, a certain sum of money is received for the girl which is appropriated by the parents, and as they know that the girl's maintenance is recognised as a charge upon the property of the boy's parents, they do not feel the necessity of asking for any settlement for this purpose at the time of betrothal. If the decisive law had been otherwise, the parents of the girl would insist upon some settlement of property being made at the time of betrothal to which the parents of the boy would never consent, and this would have had the effect of postponing betrothment at least for a few years. The parents of the girl now think that by betrothment alone they settle their girls in the world, and that they need have no more care or anxiety about their future. If betrothment was not treated as complete marriage, and if the Courts declined to recognise the status of a widow in a betrothed infant girl, losing her husband before consummation or nuptials, and declare that such infant is entitled to be treated as a maiden of her parents, infant marriage will soon die out, and upon its result we can think what further improvements can be effected in this direction.

15. The belief that a girl attaining puberty before betrothal or marriage loses her caste, and ought to be treated only as an outcaste, has no legal basis. To show that it is so, I have to refer to the community of Nambudri Brahmans of the West Coast, among whom infant marriage is rare, and I should say never takes place. A girl is permitted to lead a life of celibacy if she chooses to do so; she is permitted to marry at any time after attaining puberty. In any illom, or house, of a Nambudri having such unmarried girls, the Patter Brahmins of Pálghat, as well as their brethren of the East Coast sit in line with Nambudries and take meals which are prepared by such girls. It is true that they are purdinashins, still the meals touched by them are not treated by the Brahmans as polluted by the touch of an outcaste.

16. I beg to submit that it is high time for the Government to interfere in the matter of such an importance. It is for the Government to gather evidence as to the facts I have above stated in connection with the form of infant marriage observed in this presidency, and if it be proved that, with a view to render the marriage complete and binding, the infant couple are made to go through some form of mock consummation, it would be evident that the decisive law in this respect has been the result of misconception and erroneous assumption. Should this be so, I would respectfully suggest that a simple prospective legislation be passed providing that a betrothed infant girl losing her husband before consummation of the marriage or nuptials, shall not be considered a widow and shall not be entitled to claim the rights of a widow under the Hindu law, but shall be treated as maiden of her parents having all the rights as such under the Hindu law. By such legislation the Government do not declare that infant marriage is illegal, nor do they prohibit it. This kind of legislation will indirectly have the effect of preventing the parents from disposing of them during their infancy and before they attain puberty. No Hindu father will seek after a girl for his boy offering to make a settlement upon her. I would further suggest the revival of the old Hindu law now considered by the Hindus as obsolete, that a boy should marry after passing through the period of studentship, which, in the olden time, was from 20 to 22. Considering the present state of the education, the Government can fairly fix upon the 16th year by which time a boy can be expected to acquire a certain amount of knowledge, the average age at which a boy matriculates being the 15th or the 16th. At the 16th a boy under the Hindu law attains his majority. If it should be considered impolitic to legislate against Hindu boys marrying before they attain their 16th year, the effect of such a legislation might even otherwise be obtained. I would improve Mr. Malabari's first proposal by suggesting that admission in all the Government colleges and grant-in-aid schools be limited in the case of boys of 16 years and under only to unmarried boys, after 6 or 7 years' notice from the date of the orders. A majority of boys are Brahmans, and infant marriage is greatly among them and to a fearful extent, and this vice has been copied by other caste people who try to imitate them in every respect. The restriction I propose will indirectly have the effect of rendering boy market very dear, and postponement of infant marriage will become unavoidable. No parents, especially the Brahman parents, who are under any circumstance interested in getting their sons employed in Government service by making them obtain academical honors, will prefer marriage to it. This may be done by Government without any legislation.

17. The existence of a class of people called dancing-girls, it is well known, was an immemorial institution forming a part of the religious endowments in India. The continuance of such a class used to be encouraged by the society, and the temple authorities, even when the temples were under the management of the Government, through their officers even by adoption of infant girls bought from others for the purpose. The British Courts recognised such adoptions as valid as adoptions of boys in ordinary Hindu families carrying with it all rights of property. The decision law conferred on the adopted girl of a dancing-girl the status of a son under the Hindu law. But since the introduction of the Penal Code such adoptions and even a dancing-girl dedicating her own daughter while an infant to a temple having been treated as penal offences punishable under sections 372 and 373 of Act XLV of 1860, this class of people is becoming fast extinct. The Government have very prudently interfered with a religious institution with a view to prevent open immorality.

18. Before Act XXI of 1850 was enacted, a Hindu male or female by becoming an outcaste or by becoming a convert to Christianity or Muhammadanism, lost his or her right to property under the Hindu law. This disqualification has been removed by legislation which entitles even a widow to hold her husband's property throughout life even after she had changed her religion. I allude to them only as instances to justify the interference of Government in the manner I have above suggested in the matter of infant marriage. I again repeat that a prospective legislative declaration to the effect that a betrothed infant girl shall not be treated as wife till the marriage is actually consummated, and that such a girl losing her husband before consummation shall not be considered a widow and also an order of the executive Government in the Educational Department restricting the admission generally to unmarried boys only under sixteen in all the Government and aided schools, will do no violence to the religious sentiments of the people, but on the contrary it will have the effect of checking early marriages. The legislation I have above proposed will have the immediate effect of putting a stop to the most cruel and heart-rending scene of every day's occurrence, *viz.*, taking the betrothed infant girl losing husband to the burning ground on the first day and again on the tenth day making her wear all her jewels, good clothes, and deck her hair with flowers and ornaments as the last day that she can use them or enjoy such luxury in her life, while all this time the unfortunate child is unconscious of the significance of the ceremony; such a girl has nothing to do with burning of the body which is done, in a great majority of cases, by the brother or father of the deceased. Such a girl, however young she may be, being denied the privilege of mixing with the betrothed girls of her age in singing, wearing ornaments, &c., and in doing all that married girls are required to do on occasions of marriage or auspicious ceremonies at home and elsewhere, such an infant girl being denied the privilege of going to temples on festive occasions and enjoying the sight of a festival as other married girls of her age do; the most melancholy scene of all is the so-called widowed infant girl not knowing the reason of her exclusion, asking her parents how she had offended them or others, and why she was not treated as a married girl, and the parents then beginning to weep over the misfortune of the girl. The above description, I hope, will enable the Government to picture to themselves the misery of a betrothed infant girl losing her husband, and the misery of her parents, and feel that nothing short of Government interference, at least in the way I have suggested, would effectually remedy the evil arising from child-marriage.

19. If the Government by legislation decline to recognise such an infant girl as a widow, from that very moment of such legislation, no parents of such a girl would submit her to the cruel treatment I have above described, but on the contrary would begin to look upon her as a maiden still marriageable. The legislation will also discourage people spending large sums of money upon infant marriages.

Remarriage of Widows.

20. As I have already observed, if infant marriage be checked by some means or other, the marriage of Hindu widows need demand very little attention. If people begin to marry their girls after puberty, it would very naturally occur to them as a matter of no consequence how long after puberty they are married. The girls would by that time attain their age of discretion, and might very naturally claim the option of choosing husbands, and the parents will have to yield to their wishes. When betrothed infant girls who may have lost or lose their husbands either before or after the proposed legislation see the change, they will naturally be tempted to negotiate for remarriage through their parents, and boys of proper age would come forward to marry them and prefer them in fact to infants that may be selected by their parents. This course will, I believe, effect in a decade or too perceptible reformation in this direction.

21. Even now there are young widows who have inherited their husband's property quite willing and anxious to remarry, provided that such remarriage would not interfere with the right which they would otherwise have of holding their deceased husband's property throughout life. In this direction no alteration in the Act can be suggested. But section 2 of Act XV of 1856, which is an enabling Act, has now the effect of encouraging rather a life of immorality than chastity which was intended by the Act. For the recent decision of the Calcutta High Court, I regret to say, has had the effect of neutralizing what little good was calculated to be done by the passing of the Act. When a question arose whether a Hindu widow forfeited her right to hold possession of her deceased husband's property by reason of unchastity of which she was guilty after the property had vested in her, the Calcutta High Court held that unchastity incurred after the vesting of the property was not a disqualification disentitling her to hold possession. Mr. Justice Dwarkanath Mittar dissenting from the Court's opinion recorded his minute to the effect that unchastity was a positive disqualification. This decision was, however, confirmed by the Privy Council, and it has since been followed by all the courts in this country. The decision law allows a Hindu widow to lead with impunity a life of open prostitution retaining possession of her husband's property, while the hallowed ties of matrimony entails forfeiture of property according to Act XV of 1856. This is certainly an anomaly which ought to be remedied. It must be enacted that adultery on the part of the widow is a positive disqualification to hold property inherited from her husband.

22. The criminal law of the country should also be amended so as to make open excommunication, by priests and gurus and others, of those that contract second marriage and their relations a penal offence. They should also be protected from exclusion from public temples and public tanks and rivers. At present they are looked upon as outcaste, and are denied admission into public temples and prevented from using public tanks and rivers and choultries as Hindus generally do. I would, therefore, suggest that Act XV of 1856 be so remodelled as to afford all such protections, facilities, and inducements to such of the Hindu widows and men as may really desire to remarry.

From C. SUBBARAYA AIYAR, Esq., B.A., B.L., Third Judge, Appellate Court, Ernacollum, to the Chief Secretary to the Government of Madras,—dated Ernacollum, 5th January 1885.

I beg to submit, for the perusal and consideration of His Excellency the Governor in Council, a memorandum stating my views on the subject of Mr. Malabari's paper touching infant marriages and enforced widowhood.

2. Although I have not had the honour of being formally asked by the Government for opinion, I have ventured to lay my views before them in the hope that an expression of opinion on an important subject affecting the well-being of my countrymen may not be altogether unwelcome.

3. I have been in the service of His Highness the Maharaja of Cochin as a Judge of the highest Court of Appeal, and in this capacity have had opportunities of studying the wants and feelings of the Hindus.

4. The importance of the subject is my only excuse for venturing to submit my views, and I beg you will be pleased to lay the memorandum before the Government.

Memorandum by C. SUBBARAYA AIYAR, Esq., B.A., B.L., *Third Judge,—dated Cochin, 5th January 1885.*

Mr. Malabari has addressed the Government of India on the subject of infant marriages and enforced widowhood, and suggests that certain measures be adopted by the Government with the view of checking the evils complained of. Although I am not one of those whose opinions on the subject have been invited by the Government, still I have no doubt that in a matter like this, affecting as it would do the social well-being of a large section of the population of India, the Government would be anxious to secure the opinion of gentlemen other than those specially mentioned for consultation so as to allow of the utmost possible light being thrown upon the subject in all its bearings. For this reason I venture to beg the Government for permission to lay my views and suggestions on the matter before them, trusting that an expression of opinion on this important question will not be altogether unwelcome.

Mr. Malabari's remarks, divested of all poetical varnish with which it is surcharged, amount to an assertion that infant marriage has been the bane of the country leading to discord and misery among the married couples in after-life. In his opinion it has a most demoralizing influence upon the social well-being of the people. As a remedy for the evil, he suggests the expediency of the Government holding out inducements to those young men who come in contact with it by showing preference in the distribution of official patronage and academic honours to unmarried young men.

The Government, I am sure, could not have failed to notice that recently there has been a movement set on foot under the auspices of enlightened and liberal minded Native gentlemen for the purpose of bringing about a reform in the existing marriage institutions of the Hindus and for the emancipation of Hindu widows from the tyranny of customs which prohibits the remarriage. Gentlemen like Dewan Bahadur Ragoonada Rao and Chentsal Rao, I may remark, labour with commendable zeal and earnestness in furtherance of the cause, and by the publication of tracts and pamphlets have endeavoured to convince their countrymen that the union effected between a boy and a girl by the marriage rites does not operate as an indissoluble tie until after its consummation, and that therefore where the girl loses her husband before she comes of age she cannot be considered as having become doomed to perpetual widowhood and consequently become ineligible for remarriage. The propositions laid down by them are supported by texts from the Smritis. But against this opinion there is a formidable array of persons who maintain and quote texts to show that a Hindu girl should be married before she attains her puberty, and that postponement of marriage till after she attains her discretion entails forfeiture of caste. The remarriage controversy, however, has gone so far as to have led to the solemnization of a number of remarriages according to the Vedic ritual in the northern districts of this presidency. A good beginning has thus been made, although unreasoning orthodoxy looks upon it as an innovation unsupported by the sacred writs and as an act subjecting the parties to the ban of excommunication. And advantage can be taken of this by giving additional facilities and by remodelling the provisions of Act XV of 1856, as I will show further on.

This is not the place for discussing questions of this kind in their religious aspect, and my object in referring to the subject is merely to show that, in the opinion of the orthodox, who, by far, form the majority of the people, the shastras make it imperative that the marriage of a girl should take place before she attains her puberty, and that there can be no postponement of the ceremony without incurring the risk of social degradation and forfeiture of caste. The caste rules are characterized by a degree of bigotry and intolerance that marriage of a girl of one caste with a boy of another is not permissible. Each caste is again sub-divided into so many sections that the field for selection of brides and bridegrooms is really very limited. Among Brahmans there are many sub-divisions, and the members of one division are not permitted to step out of the limits of their social circle in quest of boys and girls. So is the case with the non-regenerate classes of the Hindu population.

Referring to the Census statistics of 1881 it will be found on a comparison of figures that the custom of early marriage is prevalent specially among the Brahmans. To quote from the Census Report "some are married before 7, and nearly all are married before 10."

The figures suggest that between 6 and 7 is the average age of marriage for females among Brahmans. This has the natural result of a high percentage of widows, and we find that nearly one-third of the Brahman women are widows. Out of every 15 Brahman women of all ages, 3 are not yet married, 7 are married, and 5 are widows, and widows past remedy. There are proportionately 50 per cent. more widows among Brahmans than among other castes, and this surplus may be wholly attributed to the greater extent to which infant marriages occur among Brahmans than is the case with other castes. Certainly one-third, probably a larger proportion of the number of Brahman widows, are widows owing to this custom. That is to say, if Brahmans do there would be nearly 60,000 fewer unhappy women in their caste. The total figures show countenanced infant marriage only to the extent that other castes that there are 80,000 widows under 20, and the foregoing remarks suggest that Brahman custom is responsible for three-fourths of this." From this it will be seen that out of a total of 80,000 widows under 20, 60,000 belong to the Brahman caste and 20,000 only to other castes. When the proportion of Brahmans to the entire Hindu population is considered, it will become patent that among Brahmans alone infant and early marriages are celebrated in a reckless manner, and that the non-Brahman classes are not much addicted to the custom.

The restrictions which religion as at present understood or more properly caste rules impose upon the marriage institutions of the country naturally tend to circumscribe within very narrow limits the field for selection, and leaves the parents no option in the matter but to select at the earliest opportunity the best girls available for marriage to their boys. The narrower the field the keener the competition, and hence infant or rather early marriages are brought about.

Whatever may be the effects of such unions in a physiological point of view, I do not think the statement is true that such unions result, as a rule, in misery and poverty. In the course of my experience I have seldom come in contact with a couple who felt unhappy merely because their union was brought about in their young ages.

Early marriages brought about under the discriminating and fostering care of Hindu parents have not failed to lead to happy unions securing to the married couples social and domestic felicity.

The Hindu mind is so much imbued with traditions and feelings as regards the efficacy of ceremonies for his spiritual benefit after death that he always has a hankering after (what to him is a blessing) the birth of sons and daughters. He seldom pauses to determine the economic consequence of a married life, and seldom bestows a thought upon his capacity to sustain the increasing cares and the growing needs of a large family. He must have a son or else he is tormented in his mind by dreams of the tortures of the hell called "puth."

As I have already observed, the miserable condition of ill-assorted pairs is not to be attributed to the fact of their having been married at an early age. I have heard from many of my European friends that even in England and other civilized countries, where freedom of choice and liberty of action are enjoyed in the highest degree by the contracting parties, marriage is a lottery in which more blanks are drawn than prizes. The reason of the unhappy condition of some married couples is to be sought for in a consideration of the imperfections of human nature such as incompatibility of temper, diversity of taste, congenital deformity and the like.

Real reform in the marriage laws of the Hindus must be initiated by the Hindus themselves, and no amount of extraneous pressure can have the effect of disabusing the minds of the orthodox of the inveterate prejudices and religious sentiments with which they are saturated. Mr. Malabari does not advise legislation with reference to early marriages, for it would compromise the policy of neutrality which the Government has avowedly maintained with respect to religious matters. By requiring the people to discard popular and long cherished notions and religious sentiments by passing an Act, the Government would certainly be violating the pledge to which it stands committed by the wisdom and far-seeing sagacity of British statesmanship, that the Government shall be neutral in religious matters.

Mr. Malabari's suggestions requiring the Government to show favour to unmarried Natives in its executive capacity will not have the desired effect. Those that compete for University honours and Government service form an infinitesimal portion of the Hindu population, and the form in which the inducement is proposed to be held out by the Government can hardly have any effect upon the inertia and apathy with which the masses look upon such matters. It would in fact create a division or chasm in the camp, and cause an estrangement of the really intelligent section of the community from the masses—a state of things which in itself is not desirable, and must tend to frustrate the benevolent intentions of the Government. Those that have been watching the signs of the times can hardly fail to be struck with the spirit of inquiry which has been awakened in the minds of the people by the agitation of the Widow Remarriage Association and its branches. The spread of education and dissemination of knowledge cannot fail to assail the inveterate prejudices of the masses, and the Government cannot do better than watch and wait in such matters till public opinion has been educated up to the pitch requisite for the initiation of reforms.

The Government has established girls' schools and afforded a thousand facilities for a dissemination of knowledge, and these coupled with the philanthropic action of voluntary Associations must in course of time bear fruit and bring about the desired reform. If the Government were induced to give its executive authority a stretch in the direction suggested by Mr. Malabari, there would be no limit to interferences of the kind in question, and the Government might find itself confronted by questions of an embarrassing nature.

I will illustrate what I mean by giving examples. The peculiarity of the features of Malabar law makes it a unique system of law the principles of which are incomprehensible to foreign writers. The customs and manners of the Malabar people have been misunderstood so much so that the want of permanence in the marriage tie has been held to be the result of polyandrous practices; speculative writers on the subject have gone so far as to assert that the so called polyandry of the Nairs affords an instance of that type of which promiscuity is an essential feature. Taking this as the primordial type, and as the normal condition of men in their primitive state, they think that its development must have gone through successive stages leading eventually to monandrous practice. The Thibetan polyandry is stated to be of a type which allows a woman to be the wife of several persons related to each other by blood. The two forms of polyandry have led to two different laws of succession. In the one succession follows in a line to be traced to female kinship, while in the other it depends upon male kinship. The case of the five Pandava Princes, as recorded in the Mahavarata, is quoted as an instance to show the prevalence of polyandry of the Thibetan form in India in ancient times. The practice of polyandry was, however, too gross and repulsive to retain its place among the social institutions of any nation on its onward march in the path of civilization, and is supposed to have been displaced by a form known by the name of the Levirate. This is a practice according to which the widow of a person is married by his surviving brother, and among the

Hebrews it is considered to be a pious duty due to the memory of the deceased brother. Even according to Hindu law the practice seems to have had the sanction of the rishis and sages, and an obsolete text of the law authorizes the procreation of children upon the body of a wife by her brother-in-law. This practice has fallen into desuetude, leaving monandry as its relic. This theory of the development of marriage institutions was worked out by the late Mr. McLennan, who regarded the whole as a process of evolution that has eventually led to monandry. Other original thinkers, such as Lubbock and Herbert Spencer, suppose that the various practices have been more or less connected with the rights of property, and do not attach much weight to the development theory.

However this may be, there is not the slightest warrant in the actual facts of the case for the position that the Nairs are addicted to polyandry in any form. Polyandry is not an established institution of the country, and whatever derelictions the want of permanence in the marriage tie may lead to, there can be no doubt that constancy of love and conjugal fidelity are virtues as much respected and honoured among them as among any other nation.

But to return from the digression, the intelligent and educated section of the Nair community have set on foot a movement to effect a change in the marriage laws of Malabar. But the opposition is so great that no reform is feasible giving to the Nair wife a distinct status in the family of her Nair husband. Should the Nair reformers seek the aid of the Government in the manner suggested by Mr. Malabari, will the Government be prepared to countenance the reform by showing preference to a particular section in the distribution of official patronage and honours?

Again there are certain customs among the Muhammadans which reduce their women to the condition of slaves. It is stated that, according to the belief of the orthodox, women have no souls. The Government may be solicited to afford encouragement to reforms tending to ameliorate the social condition of the Muhammadan women on the lines suggested by Mr. Malabari. Will the Government be prepared to take action?

No measure by which the Government in the exercise of its executive functions restricts its favours and honours to particular sections of the community. On grounds affecting the religious sentiments of the people will be in keeping with the policy which has affected a severance of its connection with the management of the religious endowments of the different religionists. There is also something odd in the clamour of men like Mr. Malabari for Government interference in furtherance of social reforms when the order of the day is clamour for more liberal concessions in the matter of local self-government. I am afraid that, by insisting upon Government support in the way suggested by Mr. Malabari, we may incur the reproach of being unable to bring about the most desirable social reforms by self-help and self-restraint and of standing in need of the active interference of a foreign Government in matters relating to the internal economy of our domestic institutions. The suggestions offered by Mr. Malabari for discouraging infant marriages are impracticable, and if carried out are more likely to inflict hardship upon the educated and intelligent section of the community and to leave untouched popular prejudices.

But as regards enforced widowhood something may be done. A move has already been made in this direction by the passing of the Widows Remarriage Act XV of 1856 which was an enabling Act. But the Act has hitherto been a dead letter, and has fallen short of its expectations. The decisions of the Indian Courts have, I regret to say, had the effect of neutralizing what little good was calculated to be done by the passing of the Act.

In Kerykolitany* *versus* Moneeramkolita a question arose as to whether a Hindu widow forfeited her right to hold possession of her deceased husband's property by reason of unchastity and immoral conduct of which she was guilty after the property had vested in her. The Calcutta High Court decided that unchastity incurred after the vesting of the property was not disqualification disentitling her to hold possession. This decision was not concurred in by the late Justice Dwaraka Nauth Mittar in whose opinion it was a positive disqualification. It was confirmed by the Privy Council (*vide* Indian Law Reports, Calcutta series, vol. V, page 776), and has since been followed by all the courts of India. Proved immorality and unchastity in a Hindu widow go unpunished according to the decisions, while the hallowed ties of holy matrimony entail forfeiture of property according to Act XV of 1856. The courts would not punish a licentious widow by depriving her of her husband's property in favour of the next heir in reversion, while the Act of 1856 declared her incompetent to hold possession in case of her remarriage with a second husband. The career of a Hindu widow in possession of her husband's property offers greater attractions than that of one who relinquishes her hold on her first husband's property and becomes united with a second husband. This

* Bengal Law Reports, Vol. XIII, page 1.

certainly is an anomaly which ought to be removed. It must be enacted that adultery on the part of the widow is a positive disqualification to hold property inherited from her husband.

Secondly, it is advisable to declare that marital right as between husband and wife becomes complete only after nuptials. The proposition may be taken to have been well nigh proved by texts of our Smritis, and a declaration to this effect will do no violence to the religious sentiments of the people while it will have the effect of checking early marriages when they are contracted solely upon sordid motives. A statutory declaration that the rights of property as against husband and wife are inchoate till nuptials will have a strong deterrent influence upon those who seek to bestow their infant girls in marriage to rich heirs.

Thirdly, the criminal law of the land may be so amended as to make it a penal offence on the part of priests and gurus to excommunicate publicly those that contract second marriages and their relations.

Fourthly, the Government may show its active sympathy with the objects of voluntary Associations for social reform as indeed philanthropic members of Government do evince a desire and co-operate with Natives to bring about social reforms and thus ameliorate the condition of women.

To recapitulate what I have said I think it would be injudicious and impolitic on the part of the Government to show partiality in the distribution of patronage to unmarried young men, that such a course would only affect the educated and intelligent section of the Hindu community and inflict hardship upon them, that Act XV of 1856 ought to be remodelled so as to afford additional inducements to such of the Hindu widows as may really desire to break caste rules and remarry.

From S. SUBRAMANIA AIYAR, Esq., Vakil, High Court, Madras, to the Chief Secretary to the Government of Madras,—dated Madras, the 5th January 1885.

I have the honour to acknowledge the receipt of your letter No. 2480, asking my opinion of the memoranda of Mr. Malabari on infant marriage and enforced widowhood. I extremely regret I was not able to reply to it earlier. The subject has been so fully discussed in all its aspects and so often that I do not think it necessary to enter into any lengthy disquisition. To be brief, Mr. Malabari has not exaggerated the evil effects of the pernicious practice of marrying boys and girls before they attain proper age now obtaining among a large section of the Hindu community. The most orthodox cannot deny that the evil is a real evil having a most degenerating influence on the social, moral, intellectual and physical well-being of society. It is however gratifying to find that there is a strong reaction in the minds of the educated classes in this matter, and the percentage of such marriages is on the decrease.

2. There can also be no question of the vast miseries caused by enforced widowhood, but it is hard to believe that an order of things affecting a considerable portion of the female population should have been the outcome of mere caprice of the stronger sex.

3. It is indeed very desirable, nay necessary, to see from time to time what measures ought to be adopted to minimise these evils if not to eradicate them. But it is not desirable that the peculiar circumstances of this community should be lost sight of, and popular opinion, however unreasonable it may be considered to be by the go-a-head reformers, rejected in a consideration of these questions, and that changes entirely out of harmony with the feeling and even with the prejudices of the people should be suddenly introduced. Direct legislative interference on such socio-religious questions, if I may use such a term, will not be viewed with any favour by the masses, and such interference is more calculated to retard than promote progress.

4. Holding these views I must prefer improvement from within to interference from without.

5. Already signs are visible that the attention of the people is being directed to these questions, and I have no doubt that in course of time a satisfactory solution of these difficulties will be arrived at. I do not think the Government will be well advised to interfere actively with such usages by legislation. At the same time I do not see any objection to indirect encouragement on the part of Government.

6. I certainly think with Mr. Malabari that the restriction to confer University honors to unmarried men will have a deterrent effect on early marriages. I would even go a little further and recommend that no boy under sixteen be allowed to appear for any University or public examination if he is already married. This restriction will go some day to minimise the evil. As to the question of enforced widowhood, I must confess I am not in a position to suggest anything radical which would ameliorate the condition of widows. I think everything would have been done to minimise the evil if the suggestion for indirectly enforcing

the postponement of the marriage of boys till after sixteen is adopted. It is unlikely that grown up boys will be married to "*infants*," and it may safely be asserted that in course of time the chances of young girls becoming widows would be considerably reduced. The thing first to be attended to is how to educate public opinion in this country to recognise (as it did once) the propriety of marriages of girls after puberty among the classes where such marriages are now disallowed.

7. Alienation by will by a Hindu coparcener of his undivided share to provide for his wife, daughter, and sister, is, I believe, not legal, and I think the aid of the legislature can be sought for to legalise it. This rule will much tend to improve the position of women by making them far less dependent on their male relations than they are now.

8. The modification which has already been introduced by decided case in respect of alienations by coparceners is so great that the granting of testamentary power recommended will not be looked upon as an undesirable innovation.

9. It only remains for me to say that personally I cannot take any serious exception to the suggestions of Mr. Malabari in his second memoranda, but it is doubtful whether they are likely to be availed of in the present circumstances of the society.

10. I must apologise once more for the delay and also for the shortness of the reply.

From P. CHENTSAL RAO, Esq., Superintendent of Stationery, Madras, to the Chief Secretary to the Government of Madras , dated Madras, the 15th January 1885.

With reference to G.O., dated 18th October 1884, No. 2270 (Public), I have the honour to submit the following observations on the proposals of Mr. Malabari in the matter of infant marriage and enforced widowhood in India.

2. Mr. Malabari has sent me a supplemental note containing revised and amplified suggestions on the subject, which I beg to enclose.

3. I do feel that infant marriage and enforced widowhood are evils and serious evils *too*, but I do not see my way to advising the Government to interfere in the matter *directly or* indirectly. While any such interference can be productive of no beneficial results, *it is sure* to shake the confidence of the people in the neutrality of Government in religious matters and create a reaction in favour of the very evil which it is our wish to repress.

4. In order to discourage infant marriages, Mr. Malabari proposes that no married student should be eligible to go up for the University examinations. In the first place the number of persons that would come under this rule will be exceedingly small, and even if it were considerable, it is extremely doubtful whether the result would be a benefit to the country. According to custom which is regarded, I think, erroneously, as the law, every girl has to be married before she attains her puberty, and if she is not so married she loses her caste. Girls in this country usually attain puberty at 12 or 13 and sometimes even so early as 11, so that the latest period up to which a girl can be safely kept unmarried is 10. If within that period she cannot get a suitable bridegroom, she will have to be given to such a one as could be had at the time. So far, therefore, as women are concerned, the rule proposed could make very little difference, it being of very little consequence whether a girl is married at 8, 9, or 10. In regard to boys, however, the effect of the rule will be that they will have to marry girls of 9 or 10 when they are 21 or 22, the age at which they usually take their degree, instead of their marrying girls of 8 or 9, when they are 16 or 17 years old as they do at present. This, no doubt, puts off the consummation of marriage, so far as males are concerned, from the ages of 20 and 21 to those of 25 and 26, but I am not sure whether, in a climate like that of India, the change will prove a real blessing. In my humble opinion it is far better that a boy of 16 or 17 years marries a girl of 8 or 9, than that a youth of 21 or 22 years marry a girl of 9 or 10.

5. Mr. Malabari suggests that heads of departments should devise means similar to those above mentioned. He evidently means that employments should not be given to married men when unmarried men, duly qualified, are to be found. This, as I have pointed out in the preceding paragraph, cannot result in any appreciable good, while the arrangements will simply give room for people to look upon Government with suspicion, as anxious to interfere in an indirect manner with our religious and social institutions. I think that if Government is to interfere at all, it must do so openly and by legislation, and not by such indirect methods.

6. As regards marriages of infant girls with old men, I certainly think it is a matter in which Government can interfere without provoking the slightest suspicion in the minds of intelligent Natives. I have known cases in which girls of 8 or 9 years

have been given in marriage for the sake of money to men of 60 years, but such cases are so very few that the interference of Government is hardly called for. If Government is to interfere at all it must be by legislating that such marriages are illegal.

7. The practice of fathers receiving money from persons to whom they give their daughters in marriages is common among certain classes of Brahmans, but I doubt whether it could be stopped by any such rule as that suggested by Mr. Malabari, or indeed by any legislation. If payment is declared illegal, it will be made secretly. The remedy entirely lies in the advancement of civilization.

8. In this part of the country there are but very few cases in which older girls are married to younger men, and the matter hardly calls for legislation. I have heard of such marriages only among the Goundens of Coimbatore.

9. As regards widows, Mr. Malabari makes five suggestions—(1) that arrangements be made to ascertain whether a widow has adopted seclusion voluntarily or not, and facilities be afforded to her to complain if she undergoes any social ill-treatment; (2) that the priest be deprived of his right to excommunicate the relations and connections of the parties contracting second marriage; (3) that the marriage ceremony be made as inexpensive as possible by ruling that two or three declarations before a registrar may constitute a marriage; (4) that the Government be pleased to make an annual grant for a few years to the widow marriage fund; and (5) that special educational facilities be afforded to widows. With reference to these suggestions, I beg to note that widows in this country do not receive any such ill-treatment as they cannot get rid of without any special aid from Government if they chose to do so, nor are marriage rites so expensive as to prevent widows from marrying. The 1st and 3rd proposals therefore seem to me to be unnecessary. The real difficulty is the fear of excommunication, which not only degrades the man excommunicated in the eyes of his fellows, but also puts him to very great inconvenience, since he cannot easily get caste servants and priests for the performance of ceremonies which cannot be given up without loss of caste. If the priest can somehow be deprived of the power to excommunicate parties marrying a second time or at least their friends and relatives who support them, the advantage will, no doubt, be very great; but I do not see how Government can interfere in the matter. It would be contrary to all principle for Government to tell the priest that he ought not to advise his followers to do what he himself thinks to be right for his spiritual welfare. No doubt grants of money to the widow marriage fund will, to some extent, remove the hardship of excommunication and encourage poor men to come forward and support the reform, but it is highly doubtful whether Government would be justified in spending money raised by general taxation on such matters as these. Education imparted to widows may also be productive of some good, but in the present state of society I do not think that widows will avail themselves of any facilities which may be created for their education. The only chance of success lies in the perfect neutrality of Government, and it is for the people and the educated classes in particular to try and emancipate their sisters from the misery which the usage of the country has imposed upon them.

From M. TILLAINAYAGAM PILLAI, Esq., Deputy Collector on General Duties, Madura, to the Chief Secretary to the Government of Madras,—dated Madura, the 15th January 1885.

In obedience to the order contained in G. O. No. 2480 (Public), dated 18th November 1884, I beg respectfully to submit my views on the suggestions contained in Mr. Malabari's notes for mitigating the evils arising from "Infant marriage" and "Enforced widowhood."

2. The orthodox Hindus, who are attached to the existing institutions, and who view innovations as sources of danger, may hold a different opinion, and I believe that any Hindu, who has had liberal education and whose heart is not hardened by custom, must admit the "Infant marriage" and "Enforced widowhood" as serious social evils, requiring the attention of any one that is interested in the well-being of the Hindu society into which his lot has been cast. The hardest heart has felt the evil of the widowhood, but it has yielded to custom —a cruel and inhumane custom—that prevails in the caste. I have known instances of respectable men, who were ornaments to the Hindu society, having met with premature deaths, broken-hearted and unable to bear the misfortune that befell their beloved daughters. A Hindu family with a young widow is in perpetual misery and gloom prevails in it.

3. One of the ingenious, though cruel, arguments adduced in favour of enforced widowhood is that it checks over-population. It is surprising that any argument is ventured in support of the custom. The idea of depriving for life a helpless young girl who happens to lose, what people chose to call, her husband of even the ordinary innocent pleasures of life is monstrous, and the practice has to be put a stop to in the cause of humanity, if not

on any other ground. The other evils attending on perpetual widowhood have been fully described by the author of the notes, and there can therefore be no question about the enforced widowhood being a serious evil to the society. It is gravely asserted by the orthodox Brahmans that a woman becomes a widow by the result of her karma in the previous births, and that it is a sin to allow her to marry again. This is something like misers preaching it to be a sin to help the indigent, who, by the result of their karma, have been destined to be poor. No amount of argument can convince these men, even if they are really serious.

4. One of the main causes of the existence of an unusually large number of these unfortunate creatures among the Hindus is early marriage. Infant marriage is largely practised more among the Brahmans than in other castes. Komatties and high caste Vellalas have followed this example of the Brahmans. Early marriage is, however, almost unknown to the low caste Sudras, among whom remarriage of widows is also permitted. It therefore follows that the number of widows among the Brahmans is larger than that among the Komatties and high caste Vellalas, and that the number among the latter bears a larger percentage to that among the low caste Sudras. This is borne out by the results of the census of 1881.

5. When 9 per cent. is the average of widows in the European countries, 21 is the percentage obtaining in India, and 31 the percentage among the Brahmans. The widows among the Brahmans are comparatively more than treble those in the western countries. It is argued by some that though the widows in India are more than double those in Europe, yet the unmarried women in the latter are nearly double those in India, and that it therefore follows that a large number of women will remain without husbands in all countries, with this difference that in India, some of these continue in widowhood instead of remaining unmarried. I must ask these gentlemen to consider the difference between the conditions of women leading lives of celibacy of their own accord, enjoying all the innocent comforts and pleasures of life, and those of the Hindu widows, who are looked down as inauspicious sinful creatures, destined to live miserably without the comforts and pleasures of life. Enforced widowhood must therefore be admitted to be an inhumane institution *incompatible with progress* of civilization, irrespective of the other evils resulting from it.

6. Early marriage is supported by some with more plausible reasons than those adduced in support of perpetual widowhood. It is said to suit the Hindu youths who are precocious and who may otherwise go astray, unable to gratify their precocious wants by a legitimate course. There may be some truth in this, but the good derived from the system is more than counterbalanced by the evil produced by it. I have known many a student who had their betrothed wives at home, but would not consent for the consummation of the marriage until they finished their collegiate course and graduated themselves. To force marriage on such young men is creating an unnecessarily premature temptation for sexual pleasure. Instances are not wanting where young men have been spoiled by early marriage. Many have given up their studies unable to find time for the same, having been burthened with the cares of conjugal life. They lose their spirits and are bound down to their houses, and, in fact, become less useless to the society than they would otherwise be. Early marriage is therefore an obstruction to the progress of the society. I have heard a highly talented candidate for the University examination tell his friends that he would have answered some of the questions better, had he not been anxious about the condition of his sick child. If this is the case even with grown up men, a raw youth married early and blessed with children must feel worse under the circumstances. Besides, early marriage affects the general health of the married couple and their progeny, and the result is we have a weak and imbecile nation. The most serious of all the evils arising from the institution is the creation of an unusually large number of infant widows and widows past remedy. The miserable condition of these unfortunate creatures must melt the stoutest heart, and the present system of infant marriage must be given up solely for the purpose of obviating this greatest of all the social evils, if not on any other ground.

7. Again, marriage is a solemn contract made between the husband and wife. Religion is connected with it in view to make the ties of marriage as strong as possible in the eyes of man and God. It is absurd that such a contract, which is intended to secure happiness to the couple during their lives, should be made by their parents or guardians without their consent or knowledge. But custom is so strong that it is seriously contended that freedom of choice can be accompanied with no better results. An orthodox Hindu further asserts that conjugal happiness is better secured by leaving the choice to the parents and guardians than to the contracting parties themselves. In many instances the husband and wife were bound by ties of consanguinity, knew each other from infancy, and were often playmates. Even when this

is not the case, the tie of marriage creates a strong mutual attachment between the couple, who are contended with their lot and live happily. The well-intentioned control exercised by the parents or guardians over young men and women in this matter has saved them from falling victims to the intrigues of wicked people. The young man secures a wife, who is obedient to his mother and the mistress of the house, and this is a necessity for the promotion of happiness in the present state of the Hindu society. The woman is contented with her lot, and why should we then interfere?

8. There is a good deal of force in all these arguments. But there are degrees of happiness in married life. A man feels pleasure occasionally even in the company of the illiterate. But the pleasure he derives in that of an intelligent man is superior. Ignorance is the cause of this apparent happiness. A better happiness can be secured by effecting marriage after the couple attain proper age. Infant or child marriage cannot be supported on these grounds. The social evils of the system have already been pointed out.

9. Having noticed some of the main arguments adduced in favour of early marriage and perpetual widowhood, I beg to say a few words about the authorities quoted in support of them. Though I have not made myself acquainted with the Hindu sastras on the subject by studying the original texts, yet from the translations and extracts published by some philanthropic Hindu gentlemen, I find the authorities on the subject to be contradictory; those against early marriage and in favour of remarriage of widows preponderating.

10. The days of faith in the divine origin of these authorities are fast vanishing. They are being believed to be human laws and marriage a human institution. If any sastra, which is intended for the promotion of human happiness, does not produce that end, but is, on the other hand, found to be productive of evil, it may well be revised and a better law, calculated to secure that end, may be substituted. Whatever may be the laws prescribed by the ancient lawgivers regarding the marriageable age of the girls or the remarriage of widows, they may be overlooked, if they are found to be productive of serious evils to the society, for the benefit of which they are intended.

11. The following facts may, I think, be traced from the sastras. In earlier days marriages appear to have been performed after women attained puberty or discretion, and remarriage of widows was an orthodox institution. Marriageable age for women was then reduced to 12, 10 or 8, and an attempt at stopping the remarriage of widows was made by holding them hopes of heaven, if they continued unmarried and lead a virtuous life after the death of their husbands. This was probably found to be not a sufficient inducement to prevent remarriage of widows. It was then restricted, first, to childless widows and then to virgin widows, and finally absolutely prohibited, and even death with her husband was prescribed. Even after all this widow marriage appears to have been practised. But the married couple occupied an inferior position in the society.

12. Early marriage and prohibition of remarriage of widows have now become the Sishtacharam (established good custom) of the high caste Hindus. Many a reformer, that attempted to mitigate the evil of perpetual widowhood of innocent virgins, appears to have failed, as the custom was too deeply rooted to be destroyed. At present an attempt at breaking it is repugnant to the feelings of the orthodox high caste Hindus, who prefer the existing state of things, and the majority of the widows themselves being ignorant and illiterate would not, I believe, think of marrying a second husband.

13. It has already been shown that infant marriage and enforced widowhood are prominent more among the Brahmans than among the other castes. Though the Brahmans are, as a rule, more intelligent than the other caste people, yet unfortunately their feeling against a violation of any of the existing customs is very strong, and more especially of that regarding marriage or caste.

14. The Brahman character is peculiar in this respect. He is prepared to overlook the commission of the greatest of sins and the heinest of offences, but would not brook his daughter or sister marry after she attains puberty, or see her married, even if she becomes a widow when an infant, and *he* is the cause of her misfortune. He associates freely with a Brahman murderer, dacoit, a perjurer, forgerer, an adulterer, or a whoremonger, a drunkard or eater of animal food, provided the latter is liberal and opens his purse freely; but the Brahman will not associate with one who marries a virgin widow or a girl who has attained puberty, though she may be his kith and kin, in whom all his hopes are centered. He has no scruples to live with a Brahman woman who may be known to be unchaste, but he will not admit into his society the unfortunate virgin widow who chooses to marry herself to a second husband. I have mentioned this anamolous state of things in order to show the strong prejudice that unfortunately exists against the introduction of the remarriage of widows among the most

intelligent and powerful section of the Hindu community. I have observed many an orthodox Brahman asserting before me that a Brahman girl, who is married after she attains age, loses her caste, and that he views a remarried widow as a common whore. The prejudice of an orthodox Brahman is so strong that he is deaf to all arguments in favour of these helpless creatures. If a rich Brahman marries a widow, some of the orthodox Brahmans may probably be disposed to mess with him on account of his money. But wealthy men never experience difficulty in getting young virgin wives. A man approaching the grave can easily secure a girl of 9 or 10 years for his partner, provided he makes up his mind to pay a handsome price for the creature. A leper can in the same way easily secure the hands of a fair maid for money. Therefore the chances of wealthy men marrying widows are very remote. The majority of the Brahmans being orthodox, widow marriage is not at all likely to be supported by them.

15. As regards the educated men, I mean the University Graduates and persons who have received liberal education, many may be in favour of the reform. But even these are wanting in moral courage. This is probably due to the peculiar circumstances under which they have been placed. Fully alive to the evils of the custom, they leave the college with confidence of effecting some reform in the society. But when they enter the world they find that they are unequal to the task and succumb to the opinions of their friends and relations, on whom they have to depend much, and who assail them as rash youths or miscreants. Having to look for their subsistence, they find themselves unable to devote sufficient attention to social and other questions unconnected with the profession which they have adopted. They thus become gradually passive, and some of them may even be not disposed to interfere with the existing custom. The opinion of the educated classes is not therefore so strong as to counterbalance or even match that of the other classes. I therefore doubt whether the Government will not be acting against the feelings of the orthodox population by adopting any direct repressive measures, which may be construed to be inconsistent with their declared policy. I do not think the Hindu community to be prepared to accept any law prohibiting infant marriage; the law, even if passed, will, I am afraid, remain a dead letter. It may declare all marriages between minors to be null and void. What would be the result? Betrothal will be performed as usual, and the public will regard the girl to be married, who will, however, be left to the mercy of the person to whom she is connected by the betrothal; he may abandon her, though she cannot abandon him. The law may probably work more mischief to the sex for the benefit to which it may be intended.

16. The best course, therefore, for effecting the reform is to create a sufficiently strong public opinion in favour of it, and all that Government can render is indirect aid.

17. Mr. Malabari's suggestions on this point are excellent. The Government may advise the Universities and heads of schools to decline to admit married men for University examinations and in the schools three or four years hence. I feel assured that such a course will attend with greater success than any other.

18. It is well known that caste and custom are the bane of the Hindu society, and that the Government have already succeeded in weakening the caste prejudices to a certain extent by indirect acts. The Government first introduced all castes into the public service. The high caste Hindu grumbled for a few days at the apparent injustice done to him by making him work with a chandala, but would not give up the service on that account. He now works with a Pariah without the least compunction in the same office. A Brahman boy would not read with a Pariah boy. But the Government have left their institutions open to all castes. The high caste Hindu was at first reluctant to send his son to a school, where he had to sit down side by side with a low caste man, and even withdrew his son for some time from the institution. The Government were firm and insisted on keeping their schools open to all castes. The high caste man then found it prudent to sacrifice his prejudices for the benefit of his son, and the Brahman and the Milacha boys have become accustomed to sit down side by side on the same bench without fear of pollution in the least. Railway affords another glaring instance of the high caste man giving up his scruples for convenience. He travels here, miles and miles, side by side, sitting down on the same bench with a low caste man, whom he shuns in his village. If the Government prohibit married men (including betrothed men) from attending any school or appearing for any of the University examinations, no Brahman would be imprudent enough to forego the various splendid opportunities, which University honours afford his sons to distinguish themselves in this world, but would prefer keeping them unmarried till they pass their examinations.

19. The heads of offices may also discourage early marriage by refusing to entertain young men who may have got themselves married in their early age: but it will be difficult to persuade them all to adopt such a measure.

20. Female education appears to me to be the most effective of all the measures that can be adopted for the remedy of the evils under notice. The woman must understand her present unfair position in which she has been placed by the stronger sex, and she will then defend her cause. At least she will readily co-operate with any man who may sympathize with her. At present Hindu women are the real obstacles to any social reform. They are the greatest enemies of their unfortunate widowhood sisters. It is their taunts, censures, and prejudices that are more unbearable by the helpless widows that they may be inclined to marry again, than the bull of the priest or the curse of the sastry or the mandate of a tyrannical parent. The moment a widow thinks of remarrying, she is a marked woman and treated as an adultress or a prostitute by the other women. Under these circumstances she, very naturally, feels averse to conjugal life after she loses her husband. This dread of social ignominy, added to the horrors of hell, &c., created by the priest-craft, is enough to deter the most courageous of the fair sex from thinking of a second husband. In the case of child widows, the parents or guardians are undoubtedly the sinners, and are answerable for the lot of their unfortunate children. In the majority of cases, the widowhood cannot be said to be really "enforced." It has assumed the appearance of a voluntary act on the part of the sufferers. The present miserable state of the widows is due more to the ignorance of women than to want of sympathy on the part of men. The minds of the women have, therefore, to be enlightened in order that they may understand their position and the great injustice done to them. The other courses suggested by Mr. Malabari may also tend to encourage remarriage of widows. But education, education alone, will be the most powerful and effective course for improving the status of the woman.

21. The agencies for effecting the social reforms are the educated classes, who may bring about these and other social improvements more easily than any amount of legislature which may render the Government unnecessarily unpopular. Unfortunately the reforms are only in the lips of the educated men, but not in their acts, for the reasons already given. If they choose to sympathize and co-operate with the Brahmans, who have effected reforms in the north, they can do more good for their sisters and daughters than by any amount of preaching. What we want is men to set examples—more Rajagopalu Charloss and Seshyengars.

22. There is, however, one point in which the Government interference will not, in my opinion, go much against the feelings of the people. They may pass an Act prohibiting the priests from excommunicating a widow who may choose to remarry, and her husband and others who may sympathize or associate with them. I do not see how the priests, who have been permitting marriages between persons within the degree actually prohibited by the Smrities, *i.e.*, marriage between a man and his sister's or paternal aunt's or maternal uncle's daughter, can claim any right to interfere with widow marriages in favour of which authorities are not wanting. The widows can thus be relieved by Government of one of the several fears and causes of anxiety they have at present.

From R. RAGOONATH RAO, Esq., Deputy Collector of Madras, to the Chief Secretary to the Government of Madras,—dated Madras, the 23rd February 1885.

I beg to acknowledge the receipt of G.O., dated 18th October last, No. 2270, Public, and to submit the following as my opinion on the questions raised by Mr. Malabari :—

1. Infant marriages and enforced widowhood are not sanctioned by the Hindu sastras, nor were they in use in India a few hundred years ago.

2. On the contrary, the marriages of undeveloped girls are in a way prohibited by them, and widows are recommended by the Vedas and Smrities to remarry.

3. As infant marriages and enforced widowhood are not prescribed by the sastras, and as they have been found to encourage immorality and crime, the Government are bound, I think, to prohibit infant marriages, as they have already abolished enforced widowhood. I am sure the Government would not sanction anything against Hindu law, if they prohibit marriages of girls of less than 10 years old, and encourage those of developed maidens.

4. The sastras of the Hindus do not sanction marriages of elder women to younger men. Government may prohibit such marriages also.

5. Mr. Malabari proposes "that no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will." What he means is not quite clear to me. No woman *can* be condemned *against* her will to life-long widowhood, nor is it clear to me what he means by "a minor." I think if the provisions of the Hindu law be enforced, all evils, which Mr. Malabari wishes to remove, will be entirely swept away. No girl, who is a minor, that is, who has not attained the age of discretion or an age which entitles her to express her consent to cohabit with a man, *viz.*, 10 years

(*vide* Indian Penal Code, section 375), can, according to the Hindu law, be *married*. There can therefore be no widow who is a minor. The same law lays down that a widowed virgin can be remarried as if she were unmarried, and as such she is not entitled to the estate of her first husband. If this principle of the Hindu law receives the sanction of the British legislature, I am certain that there will be no virgin widows in India.

6. Mr. Malabari proposes further that arrangements may be made to ascertain, in suspected cases, whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her. I do not think that there is any need to make any such arrangements. Moreover, any such arrangement will be unpopular, and in the long run will do no good but may do harm. Act XV of 1856 enables any widow to cease to be a widow at her pleasure.

7. Nor are the facilities proposed to be given to widows in the third proposal of Mr. Malabari necessary or expedient. So far as I am aware no widow has been compelled to continue a widow for want of a gratuitous service of a counsel, or from want of exemption from stamp-duty, or for fear of attending the courts.

8. Mr. Malabari wishes that it should be laid down that the priest has no right to excommunicate any body acting in accordance with Act XV of 1856. This question at first puzzled me a good deal. At last I have come to the conclusion that the priest's excommunication is nothing more than the exercise of his private undoubted right, and to interfere with it would be illegal. The best remedy against excommunication of the priest is to show contempt openly, and neglect it. If men of common sense and education would do this, there would be an end to the priest's tyranny.

9. Sympathy of men of influence, whether Europeans or Natives, will, no doubt, tend to soften down the rigour of the priest's excommunication, and an association like the one proposed by Mr. Malabari may do good.

10. I beg to send six copies of a pamphlet which dwells on the aforesaid evils, and shows what remedies are necessary.

From T. PATTABHIRAM, Esq., Head Sheristadar, Trichinopoly Collectorate, to the Chief Secretary to the Government of Madras,—dated Trichinopoly, the 5th March 1885.

As directed in G. O. No. 2480, 18th November 1884, Public, I beg to submit my views on the questions of "Infant marriage" and "Enforced widowhood" discussed by Mr. Behramji Malabari in his papers which were read in G. O. No. 2270 (Public), dated the 18th October 1884.

Infant Marriage.

2. Infant marriage is indeed a great evil and a source of social grievance. It is, however, a practice that is confined to Brahmans alone. In the Madras Presidency the Komatties, a very small section of the community, also follow the practice. Mr. Malabari's statement that "amongst the illiterate mass early marriage obtains most widely" is not borne out by facts which fell within my own personal observation. Nor do the census returns of 1881 support it. Among Brahmans, the only section in which infant marriage is the rule, the proportion of widows to the total female population in that class is 31 per cent,—*vide* census report of 1881, vol. I, page 94. In no other section of the Hindus this large proportion of widows is noticeable in the census returns, as it must be if Mr. Malabari's statement is correct. Among all castes of Hindus other than Brahmans and Komatties, infant marriages are rare and exceptional and not the rule. I do not deny that young men in India get themselves married earlier than those in the European countries; and so are the Muhammadans and Christians in this country. That is because of the climatic and other influences; and it cannot, I think, be successfully counteracted by any rules.

3. To make any attempt at putting down infant marriages among the Brahmans and Komatties can be of no earthly use until the restrictions of caste, the great stumbling block in the way of the progress of the Hindus, are annihilated, or at least so much slackened as to admit of the introduction of such social improvements and reforms as may from time to time be considered by the leading members and by the educated section of the community as most essential to the happiness and comforts and morals of the nation. The high education which the Government have been at so much pains and expense to impart, the rapid spread of western ideas, the introduction of railways, the admission of educated Hindus in the circle of high principled and highly educated Europeans, the sympathy of the governing Englishmen for the natives of this country, and their anxiety from the highest of motives to promote the weal of the subject millions, are all combining to influence the feelings of Natives and to counteract

the restrictions of caste. They are all doing their good work in different directions. The prejudices of caste are gradually wearing away. The higher caste Hindus travel in the railways seated side by side with the lowest and non-caste people in the same compartment without evincing disgust or dissatisfaction as they are wont to do; and the sense of pollution by the touch of the lowest caste is dying away. The prejudice is giving way to necessity. In the railway platform there is neither room nor time for people to remember the scruples of caste. All are in great haste when the train arrives, and in the bustle the people have to elbow out their way in the moving crowd little caring for caste and its scruples. The educated higher class Natives do not generally respect the restraints of caste, and they break through them whenever they are able to do so without offending the feelings of their own parents or their female relations. Their example is followed by the all-daring students of colleges and higher class schools. Those of moderate education who come within the influence of these are catching the contagion. The educated section of the Hindus may therefore be fairly said to be in a transition state. The seeds for the destruction of the influence of caste are sown in all directions, but they are just germinating and striking root. They are yet to grow, and it will be long before they could bear fruit. The non-education of the females is a great drawback. The influence of mothers, wives, and sisters is unspeakable at home. It acts like a spell even with the highly educated Hindu of the present day, whether young or old, and he finds it most difficult to break through the charm, and carry out his liberal notions. Times are, however, changing, female education is finding favour among all sections and caste of Hindu community. The encouragement that is now being given to it both by the Government and by the Local and Municipal Boards and also by the Mission Societies is conferring immense benefit on the Hindu community. But this is only a millionth part of what yet remains to be done. It is, however, a question of time, and the most zealous of reformers must have patience. "Rome was not built in a day." Our mothers, wives, sisters, and daughters have to be taught to think and argue as we do before we can hope to disentangle ourselves from the fetters of that great bane of our society—the caste. The influence of the (மடாதிபதி) matathipathis and of the educated orthodox Hindus over the higher caste society is another great social evil which has to be combated. That influence, however, I am happy to say is not now as all-powerful as it once was. It has been much curtailed during the past quarter century. Powerful and worthy reformers have come forward and are working away nothing daunted. It will, however, take a very long time before the evils of caste disappear. But it is not a matter for a just and humane Government to interfere with. The educated orthodox men and the illiterate mass of population who are guided by them will take it ill. They would look upon it as an interference with their liberty. Such an idea is but natural. The task of destroying the influence of caste should be left entirely to the leading members of the community and the spread of education and civilization. Until caste becomes a thing of the past, there is no hope of preventing the marriage of girls before years of discretion among Brahmans.

4. The most enlightened and the most influential Brahmans are themselves fighting the cause of infant widows. Although I for one feel convinced that the present system of binding Hindu females to be true to one love, is most conducive to the happiness and comforts of a wedded life, yet I fully sympathize with, and have actually joined, the party which advocate and encourage the remarriage of infant widows ever since its formation. For it is impossible, as I stated above, to hope to put a stop to infant marriage among Brahmans as long as caste is respected. If the practice now in vogue among other castes of Hindus of marrying females after years of discretion could be adopted among Brahmans, it would be a great victory achieved in the cause of civilization. But even the most sanguine of the Hindu reformers cannot but despair of such a change for many many years to come.

5. Mr. Malabari's suggestion for the interference of Government to put restraints on the marriages of students of colleges until they graduate themselves does not commend itself to me. It would, I am afraid, go to work in an unwatched direction and most mischievously. Early marriage with all its evil consequences has this one very great advantage, *viz.*, keeping the educated young men, the flower and hope of the Hindu community, uncorrupted by immoral tendencies and temptations, and rendering them the guardians and protectors of female honour and chastity; for their marriage is consummated between 17 and 20 years of age, and this keeps them from any necessity for going astray. This most important advantage, in my humble opinion, far outweighs all the evils and disadvantages traced to it by Mr. Malabari in vivid and rather exaggerated colours. The interference of Government to check early marriages by preferring bachelor candidates for University examinations and for Government employments would not only deprive both the Hindu community and the Government the aid and influence of men of superior intellect and of very high principles,

character, and qualifications, but also would seriously and disastrously check the improvement of the best intellect of the community and give a death blow to all morals among educated young men. I have thought out the subject and it is clear to my mind that as long as the marriage of infant females continues in vogue, interference of Government to put down early marriage among males would simply lead to doleful disasters and miseries to the Hindu community. How can young men, restrained by Government to wait long for their marriage, find their match among females in age, health, and temperament, to all of which some weight should be attached? How could the community or Government benefit when highly educated young men, thus tempted to wait, have to be wedded to young girls of 9 or 10 years old? Taking 22 as the average age at which a young man graduates himself in arts, he has to wait another two years, perhaps three, to graduate himself in the law; and if he in his 24th or 25th year be wedded to a girl of 10 years old, the oldest girl that could be had, he will have to wait another four or five years before the marriage could be consummated. In India, generally speaking, 20 to 35 is the best age for conjugal enjoyments among males, and 15 to 30 among females. Thus the youth who took pains to cultivate his mind at great self-sacrifice, finds at last that the interference of Government has deprived him of two-thirds of his best age to enjoy conjugal life. It cannot be far from truth when I say that such angelic young men as would deny to themselves the pleasures of love, most natural in that age, must be few and far between. The generality of them would either take to harlots and contract loathsome diseases which might continue to make them miserable to the end of their lives, or offend honest families. Once steeped in this immoral and wicked habit the young men cannot well get out of it, even after their marriage. Morals will then be at a great discount even among the highly educated. The present high moral tone of the educated Hindus would be quite a contrast with Mr. Malabari's hopeful young generation.

6. The Government may prohibit, by a legal enactment on the score of humanity and justice, marriage under certain age both among the Hindu males and among the females. The presiding priest and others who assist in such marriages might be punished heavily. There will be a decided advantage in this over the proposed restraint to would-be graduates and public servants; for it would better secure the growth and health of both sexes, and save the community the shame and misery of infant and youthful widowhood. If the Government have scruples to such a measure as one interfering with the right and liberty of the subject, then the proposed restriction to the students of colleges and candidates to public service, is one that should be objected to ten times more strongly. I devoted my best thought on the subject, and the interference of Government to check early marriage among males in the way proposed by Mr. Malabari, in my humble opinion, would be one of doubtful policy, while it cannot in the least benefit either the community or Government.

7. "Impossibility of exercising free will on the part of those most concerned, the unhappy consequences of any physical defects or moral taint on one side or the other, and hopeless disparity of temperament or total or partial absence of physical adaptability" are enumerated as resulting from infant marriage. I need hardly say that those who care to give some thought to the above cannot come to the conclusion that those evils should result from early marriage only and from no other causes.

8. I, for one, do not much believe in young men or in young women being always happy in their choice. Choice after all is a blind guess, and is always more tempted or governed by symmetrical make and personal grace than by any insight into the quality of the mind and attachment of the heart. Nor is the latter a thing that could be correctly estimated by even the very superior and gifted intellects. If men of so much above the usual average run of mankind as Lord Byron, &c., fail in their choice, and in a society which allows free scope for many a private talk and personal intercourse between the young lovers, can there be any meaning in the high sounding phrase liberty of choice? Young men and young women however shrewd they may be and however deeply piercing their power of testing the worth of the inner persons may be, and how much sobriety and patience soever they may use in making the selection, they are apt to be misled, seduced, or taken in from their youthful impetuosity and madness of love. It is the personal appearance that at first captivates youngsters; the quality of mind and attachment of heart and other accomplishments the imagination of the lovers readily supplies. If in European countries where this liberty to youngsters is so much professed, parental control and direction is found most desirable and even necessary, what harm could there be in less civilized India to leave the selection to the more experienced eyes of the parents.

9. Castes and sub-castes limit the area of selection it is true. But how can the axe be laid at the root of castes, and how can infant marriage serve as an excuse to break the law of caste. Is the annihilation of caste so easy? No, the spread of high education

and high principles among both males and females has to do the work, and it will be long, very long before the object can be realized.

10. The rest of the evils enumerated are more or less prevalent in the most civilized countries, and they need not necessarily be the result of infant marriage. Old men marrying young girls is an every-day occurrence in England and other European countries with the results portrayed by Mr. Malabari. "The breaking down of health by too early nuptials, the boy-husband giving up studies, the birth of sickly children, the necessity of feeding too many mouths, poverty, dependence, &c.," are all true. But these, it must be remembered, are only exceptions and not the rules; for the proportion of such cases, even taking them very liberally at 20 per cent., is about one in a hundred of the Hindu population, because the Brahmans bear the proportion of $\frac{1}{20}$th to, or 5 per cent. of, the whole Hindu population. The picture is too darkly painted by Mr. Malabari, and his pen appears to have been carried away by his zeal for the amelioration of his countrymen. He speaks as if there are 40 million Hindu widows, while, according to the latest census, the figure is only 16⅛ [16,117,135] (census of 1881, vol. I, page 88).

11. Mr. Malabari then believes in over-population in poverty in India, and argues if it is not the duty of Government to interfere to check this overgrowth, treating the question purely as one of economy. But he has not proved his case. Over-population in poverty in the sense he puts it, has no actual existence. The figures of the late census do not bear him out. Infant marriages, as I stated before and as admitted on all sides, is confined to Brahmans. Now the Brahmans bear the percentage of 4·94 to the whole population of India as detailed in the margin. The Brahman female population for the whole of India is 6,606,000. Of this 31 per cent. or 2,047,860 are widows; 21¾ per cent. or 1,436,805 are unmarried. Thus both the unmarried and widowed females of the Brahman class come up to 52¾ per cent. of the female Brahman population, while in Europe the single and widowed females come up to 67 per cent. of the total female population there or 14¼ per cent. more (Census Report for 1881, page 94, vol. I). The result therefore is that even in that caste of the Hindus, where infant marriage prevails and in which there are the largest number of widows or rather spinsters, they (the widows) fall short by 14⅓ of the percentage of spinsters and widows in Europe. Why should the misery of the infant widows of the Brahmans be more appaling than that of their sisters in Europe who take to celibacy? And how can over-population in poverty result when more than 31 per cent. of the female population of that section (the highest percentage known in the whole world) remain widows and unproductive. In the paper of the enforced widowhood Mr. Malabari rather inconsistently advocates remarriage of widows against his own theory of over-population in poverty. The total number of widows under 20 years of age is 60,000 (Census, vol. I, page 102). It is therefore to these 60,000 infant widows that Mr. Malabari's remarks refer, not to 40,000,000 as he has stated. These widows bear but the proportion of 22½ per cent. to the total Brahman female population, and therefore they bear a proportion of only 40 per cent. of the spinsters in Europe who are 57 per cent. of the total female population there. Even when virgin widow remarriage (thanks to Messrs. Dewan Bahadur Ragunath Rao and Chentsal Rao), which has fairly commenced, becomes an established custom in the country, I am sure very very few would avail themselves of the license for many many years to come.

Census Report, vol. I, page 308.

Madras Presidency	3·94
Bombay "	4·83
Bengal "	6·06
3)	14·83
	4·94

12. The details of the marriage ceremonies among Brahmans in the Vedic and Smriti periods are exhaustively and lucidly dwelt upon in a most thoughtful paper on widow remarriage by the Hon. Mr. Justice Muthusami Aiyar. When the circumstances of the state of society among the Brahmans in the Smriti and the Puranic periods are taken into consideration, one cannot but come to the conclusion that in the lawless state of the country at the time (when the rule, that might is right, was exercised recklessly and with a libertine spirit) the patriarchs considered it desirable to secure a guardian and protector to the girl before she bloomed into womanhood. While the future husband was certain of the virgin-purity of his girl wife, the girl herself had the double protection of both her father and husband's families against seduction or mistakes which will embitter and poison her wedded life. Subsequent to the Vedic period (a period when the female had enjoyed the privilege of giving herself away to any young man she chose after her years of discretion) the patriarchs would seem to have introduced the rule of marrying girls before puberty, in view to keep the blood pure and eliminate all impurities from the Brahman stock. Whatever may be the present disavantages (I freely admit there are many) of such a rule to the parties most concerned, it cannot be denied that it has had the advantage of purity of blood to which the patriarchs however mistakenly and selfishly appear to have subordinated the rest of the merits of that class and all

their comforts and conveniences of life. Weak as the Brahman class is in physique as compared with the other classes of the Hindus, the superiority of their intellect as a class is most prominent and noticeable. This, I believe, is mostly due to the old patriarchal rule which kept their blood and stock pure and untainted. This, however, I speak subject to correction. The anxiety for the remarriage of virgin widows is confined to the highly educated and enlightened Brahmans. The orthodox would not encourage the idea. These men, who also carry the mass of population with them, put it down as unchaste and against sastras Others are indifferent, although they feel that the reform will be an advantage and a step in the right direction.

13. The remedy of educating public opinion and setting it to cope with the evil and work the reform, Mr. Malabari condemns as almost useless on the ground that after so many years of toil a very small portion only of the Indian population have received elementary education, and that the influence of caste is too powerful even for men of enlightened and broad views to act up to their convictions. This is true. But how could caste be broken? What consolation is there in store for those who venture to break it? They are cut off from their society directly they outstep the bounds of caste, and an end is thus put to all their good ntentions to work the reforms and serve to benefit the society of which they were once the respected and highly esteemed members. Sir Comarasamy of Ceylon, Mr. Muthukrishna of Madura, Mr. Sabapathi Aiyah of Hyderabad, and his brother Meenatchi Aiyah of Bangalore are all so many instances of enlightened men acting up to their convictions and losing all chance of ever serving their community. The best remedy, in my humble opinion, is the education of public opinion, and I am glad to say it is working fast among the very class where infant marriage is the rule. They are the highest castemen and they have been and continue to be the guides of the rest of the Hindus. The best educated and enlightened of them have to combine and work unanimously. And this is being done at present.

14. Mr. Malabari next refers to an obnoxious custom of the parents benefiting in the shape of lump sums by consenting to give away their daughters in marriage to old men. This inhumane practice, I am sorry to say, is also prevalent among certain sections of the Brahmans (Kaniyalars and Aiyangars) in the Madras Presidency. Money is usually demanded from the bridegroom, whether young or old, as a present to the bride on account of jewellery. It is usually demanded in so many seers of gold. If the bridegroom happens to be an elderly person the rate is doubled, trebled, and quadrupled according to the would-be husband's age, wealth and social status. Rich families of course are so many exceptions to the rule. When the bride's parents are too poor to bear their share of the marriage expenditure, that has also to be paid by the bridegroom. I quite agree with Mr. Malabari in thinking that a ruling, such as he suggested, is very desirable. An enactment laying down a rule that money received from the bridegroom, save and except that which is paid for the marriage expenditure, should be safely deposited in the bride's name and exclusively for her use, will, I believe, not only be a great boon to the poor infant victim, but will also serve as a wholesome check against inhumane parents thus sacrificing and selling their female children for their own benefit. It is a fit subject for the interference of Government.

Enforced widowhood.

15. I fully sympathize with the feelings given expression to by Mr. Malabari in his paper on the enforced widowhood. The evils that he has put forward are not untrue, although they exist rarely and exceptionally only among the Hindus as among all other nations. But the remedies he has proposed cannot be of any avail although the Government may give effect to them. They will all remain a dead letter as indeed does Act XV of 1856 to this day remain.

16. The first rule he proposes is "that no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will." In the first place I ask what is it that condemns a Hindu girl to life-long widowhood against her will? It is her caste. Then until caste is done away with no Hindu girl could ever think of coming forward to express her inclination to be remarried; and therefore the introduction of this rule is rather too premature, in the present state of Hindu society, to be of any use whatever. It is a thing to be left entirely in the hands of the Hindu reformers. The reformers at Madras have succeeded in bringing about the remarriage of infant widows in many instances. They have commenced fairly well, and they had better be left to work out their reforms themselves.

17. His second rule is "that arrangements may be made in suspected cases to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her." I ask whether this is possible. What is the status of a Hindu widow according to the Hindu law as it at present stands? If she is the widow of a divided member, she has the

sole management of her property. If she is the widow of an undivided member, she is entitled to maintenance from the family funds. In the former case if she means to remarry (I speak of widows whose marriages have once been consummated), whom is she to marry? Her own caste man will refuse to marry her. But if he does marry, both of them will be excommunicated. So they lose caste and with it the sympathy of the community to which they belong. This cannot be helped. She has her property and the love of her second husband secure for what she may lose. When a widow resolves, in spite of loss of caste, to remarry, she is at liberty, even now, to choose a husband who is willing from any section of the community. The real difficulty of marrying her own caste man lies (1) in finding one who is willing to marry a widow, and (2) in getting Bramans to solemnize the marriage according to the rites of her caste and religion. All the mantrums (Vedic or Smriti phrases) and ceremonies have as yet to be modified and fitted up for widow marriage. As it is, she may have to change her religion and adopt one which readily permits and solemnizes remarriage of widows. To a Hindu caste widow who makes up her mind to resume her married state at the risk of caste, religion and the affection and society of her relations, there now exists no obstruction to marrying a caste Hindu if she succeeds in finding one who is willing, or a Christian or a Muhammadan. In the case of a widow of an undivided member, if she chooses to remarry, she loses her right for maintenance. In her secluded state it is true that she could hardly be able to select a match for herself, or even give expression to her desire to be remarried. How could the Government help her out of the difficulty? Can the proposed rule mend matters. In my humble opinion it cannot but be a power for abuse with the authorities.

18. His third rule is "that every widow of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous services of counsel, exemption from stamp duty, attendance at court, and so on." What social ill-usage can she complain of? If she is not asked to dinners, and if her caste people refuse to dine with her, how can the Government punish such acts? What other social ill-usage is meant here such as could be prosecuted under criminal law, or sued for damages under civil law, I do not understand. If the right of the society to excommunicate is admitted, nothing that can be called social ill-usage can be punishable. She will have to purchase society and its sympathy as indeed she must do her other comforts and conveniences.

19. His fourth rule is "that the priest has no right to excommunicate the relations and connection of the parties contracting second marriage besides excommunicating the principals." If the right of a priest to excommunicate is recognized, with what consistency can the Government declare that the right should be exercised only in such cases and not in others. The authority of the priest over the society is a matter of moral and religious obligation on the part of the members of the society. They may obey or disobey such an authority as they choose. There is no legal obligation. Parties who are unwilling to obey the priests or matathipathis can do so without the interference of Government in the matter. Parties contracting second marriage against the conventional rules, are, by their own act, getting out of the pale of the authority of the priest and the community. I therefore do not see what necessity there is, in the interest of the parties contracting second marriage, for the Government to interfore with the authority of the priests which has already been set at defiance by them without the aid of Government. In my humble opinion there is no necessity for the proposed rules and the community cannot hope to benefit by them as explained above.

ORDER THEREON.

Ordered that the following letter be despatched to the Government of India :—

(Here enter No. 2250, dated 24th September 1885, Public.)

(True Extract.)

W. WILSON,

for *Chief Secretary to the Government of Madras.*

From J. MONTEATH, Esq., C.S., Under-Secretary to the Government of Bombay, General Department, to the Officiating Secretary to the Government of India, Home Department,—No. 1112, dated Bombay Castle, the 26th March 1885.

On the receipt of your letter No. 39—1507, dated 11th September 1884, forwarding for observations copies of papers on "Infant Marriage in India" and "Enforced Widowhood" by Mr. B. M. Malabári, it appeared to His Excellency the Governor in Council to be expedient to ascertain the views of representatives of the various sections of the Hindu community in this Presidency regarding the extent to which the customs in question are productive of evil effects, and regarding the remedies proposed. Some of the gentlemen consulted have not yet replied, but most have now stated their opinions freely and fully, and these opinions may fairly be taken

to represent the various views which are now held on the subject amongst the community which is affected. I am directed to forward for the information of the Government of India the replies which have been received, together with a collection of papers on the subject which have appeared in the Press, and to communicate the following observations on the several questions discussed.

2. It is generally admitted that infant marriage and enforced widowhood are productive of evil results, but several of the gentlemen consulted consider that the evils have been much exaggerated by Mr. Malabari : one describes the remarks in the second and eleventh paragraphs of the Note on "Enforced Widowhood" as "a gratuitous and unmitigated libel on the whole Hindu community," and a few deny that the customs in question are open to any objection. Mr. Malabari does not propose that a legal ban be placed on infant marriage, but the suggested ruling that the money received from a bridegroom should be deposited in the name of the bride and reserved for her exclusive use would involve legislation, and some of the recommendations made for the prevention of enforced widowhood could not be carried out under the existing law. Some of the gentlemen whose opinions have been recorded consider that the State could not interfere effectually without legislation and advocate enactments of a very restrictive nature, but the preponderating view, in which His Excellency in Council concurs, is that it would be inexpedient for Government to exercise any direct interference, at all events until there is a much stronger popular demand for interference than there is at present.

3. The objections generally taken to child marriages are the following :—

(1) That the parties are deprived of freedom of choice.
(2) That early consummation produces physical deterioration of the race.
(3) That the practice of child marriages produces a great number of virgin widows who are doomed by caste custom to a miserable existence.

4. The first objection is perhaps rather sentimental than real. In many highly civilized countries, such as France, girls have ordinarily very little voice in the choice of their husbands, and the Governor in Council is not aware that marriages are ordinary less happy in France than in England. There is something to be said in favour of both systems, and it is at any rate certain that native public opinion would not be in favour of any attempt to substitute the system of love matches for that of contract by the parents.

5. His Excellency in Council is of opinion that there is much exaggeration in the second objection. Hindu children do not seem to be exceptionally puny and weak. No doubt women who bear children at a very early age become prematurely old. But legislation, if otherwise desirable, would not produce much benefit in this particular. It would hardly be practicable to fix any age under 14 as that within which it should be unlawful for a girl to marry, and it is doubtful if at present consummation ordinarily takes place much before the girl has arrived at that age. Moreover, it would be hardly possible to enforce any such law, for until there is a far more perfect system of registration than there is likely to be for a considerable time to come, it could not be proved that a girl's age was less than 14, and any official inquisition into the matter would be greatly resented.

6. The third objection is perhaps the strongest, and it is connected with the general question of widow remarriage. It is, in the opinion of the Governor in Council, impossible for the State to go further in this matter than it has done in Act XV of 1856, by which all disabilities on the ground of remarriage are removed. Any widow who chooses to remarry can legally do so, and no one can legally prevent her. If she is deterred it is by the public opinion of her caste and the only remedy is a change of public opinion, which can only be the result of time and education. In the higher castes (not in the lower and therefore not in the mass of the population) there is still a strong religious prejudice against widow re-marriage, stronger probably among the women than among the men, as is usually the case with prejudices which are fostered by priests. Education, and especially female education, which is now being vigorously promoted, will do much towards removing the prejudice. The agitation and discussion which Mr. Malabari has set on foot will no doubt bear fruit, and educated native opinion will daily make itself more and more felt.

7. The proosals made by Mr. Malabari for interference otherwise than by legislation do not commend themselves to His Excellency the Governor in Council. The suggestion that unmarried men should be preferred for Government service would, if carried out, have little or no effect in remedying the evils in question. Superior service qualifies for pension only from the completion of the age of twenty-two years, and few persons of the higher castes enter Government service much before that age, at which they may very properly be married even according to English ideas. The adoption of the proposal that the University should not after a specified period admit married men to examination would have a very limited effect, and it would in the opinion of His Excellency the Governor in Council be inequitable for the University to deprive

boys of higher education, because their parents had married them before they could exercise any option of their own. The measure would moreover discourage the advance of education, which, as above stated, is the only effective means of removing the prejudices under consideration. A similar objection applies to the proposal that the evils of child marriage and enforced widowhood should be described in the school-books prescribed for Government schools and the adoption of it would probably be regarded as a departure from the principle of non-interference in matters of religion. It is a disputed question whether child marriages are directed by the *shastras*, which do not appear to be consistent on the point, but there is no doubt that they are enjoined by the existing religious teachers, and that amongst the higher castes the remarriage of a widow is regarded as an impiety. It would approach to an interference with religion to direct that it should be taught in State schools that these views are false, although enlightened school-masters who profess the Hindu religion might with propriety communicate their own opinions to their pupils. Mr. Malabari's recommendations regarding the protection of Hindu widows are in the opinion of His Excellency in Council quite impracticable. The law is not insufficient if advantage is taken of it, and Government cannot force persons to take advantage of it, or as Mr. Malabari apparently wishes, entertain a large establishment of inquisitors to pry into the private affairs of families and encourage complaints. Nor is any special assistance shown to be required. If widows desired to complain they would not be deterred by inability to pay for counsel, who do not ordinarily appear before Mofussil Magistrates, or by a very light stamp duty. Government cannot by law, or otherwise, compel persons to admit to their society those whom they desire to exclude.

8. Mr. Mahádev Govind Ranadé, Judge of the Poona Small Cause Court, whose opinion on the subjects under consideration is entitled to the highest respect, recommends that a commission of representative English and Native gentlemen should be appointed with power to make enquiries and receive evidence of the customs and local usages of different provinces and castes, and to formulate proposals for the consideration of Government in the Executive and Legislative Departments. The Governor in Council is so fully persuaded of the inexpediency of any State interference that he considers the adoption of this proposal to be unnecessary, and is moreover of opinion that even any action which indicated that such interference was contemplated would give rise to alarm. In circulating Mr. Malabari's papers for the opinion of representatives of the Hindu community as much has been done in this direction as is desirable. There is no analogy between *sati* or infanticide and the customs in question. Murder and suicide are offences against the criminal law of India as against that of all civilized countries and the adoption of special measures for the repression of particular forms of murder and suicide is very different from interference with customs against which all that can be said is that they have a generally evil effect. When the customs have a religious sanction, they are apt to be strengthened instead of repressed by State interference, which is regarded as persecution and begets religious enthusiasm. Superstitious and unnatural social traditions can never be abolished by being directly attacked: they become obsolete and perish when civilization has outgrown them.

Replies of representatives of the various sections of the Hindu community on the subject of Mr. B. M. Malabari's papers on "Infant Marriage in India" and "Enforced Widowhood."

From MAHIPATRAM RUPRAM, to the Acting Under-Secretary to the Government of Bombay,—dated Allahabad, the 24th November 1884.

In reply to your letter No. 4164, General Department, dated 13th instant, requesting my opinion regarding the proposals made in Mr. Malabari's paper on "Infant Marriage" and "Enforced Widowhood," I beg to state as follows :—

I.—Infant Marriage.

2. Mr. Malabari's first proposal is that unmarried candidates may be preferred to married ones for all posts in the public service. I do not think it will be fair to make such a rule. It will be punishing young men for an act done by their parents or guardians. Such a rule will be mischievous in other respects also. It will check the progress of education at once and do more harm than good.

3. Mr. Malabari recommends the introduction of lessons on the evils of infant marriage in school-books. In the Gujarati Hope's Series of Reading-Books there are some lessons on the subject and more may with advantage be put in.

4. Mr. Malabari suggests that indirect advantages may be offered by Government to students remaining unmarried, but as he does not mention in what way this can be done, I am unable to give any opinion on the subject.

5. Any interference of the university will, I think, prove disastrous to the cause of education.

6. The Hindu Law forbids the taking of money or any other gratification or reward by parents or guardians from bridegrooms or their relatives for marrying their daughters. In this respect some legislative action may be taken to protect the interests of infant girls. I will state my views on this subject in another paragraph.

7. The disparity of age between brides and bridegrooms is sometimes very great and very injurious. Now and then we see an infant girl married to a rich old man for the sake of his money, and in some castes, especially the Pátidár caste in the Ahmedábád and Kairá Collectorates, and the Anávalá Desái caste in the Surát Collectorate and Gáekwád territory in Southern Gujarát, a boy of six or eight is frequently married to a girl of twelve or sixteen, though seldom, I believe, from any wicked designs. Generally such marriages are contracted from family pride. In other castes disparity of age also prevails to a more or less extent, bridegrooms are several years younger than their brides. Little girls are sometimes married to old men also.

8. The harm done by the custom of infant marriage is really great, and Mr. Malabari has not at all overstated the mischief arising from it. To remedy these evils, I beg to suggest the enactment of a Marriage Act, which should contain the following points :—

1. Compulsory registration of all births in Municipal offices in cities and towns, and in the Taluka Local Board's Offices in the villages.
2. The Municipal and Taluka Local Board's offices to give certificates of births to each party, containing the names of the child and parents.
3. No marriages to be allowed to take place without a license from Municipal authorities in towns and cities and from Local Fund Boards in the villages. These Boards to give marriage certificates.
4. Certificates of births to be shown along with an application for a license.
5. The Municipal and Local Fund Commissioners to be authorized to fix the minimum ages of brides and bridegrooms, before which no license can be given, and to raise the same from time to time as they may think proper.
6. Nominal marriages such as take place among the Kadwá Kunbis in Gujarát at an interval of twelve years, in which a girl is married to a bunch of flowers, &c., may be exempted from the age rule, but in such cases all second marriages must take place under the rule.

9. The Commissioners may also be empowered with the permission of Government previously obtained, to make rules for depositing the dowries or Stri-dhana in safe custody or otherwise secure the same in the case of the marriage of old men and thus prevent the sale of girls in the holy name of matrimony.

10. These points may be developed, arranged, put into proper form and language, and others added by the Law Officers of Government. This is a new use of the Municipal and Local Boards, but I see no other way under present circumstances. The crying evils of infant marriages may be gradually removed by this arrangement without a sudden and violent change. The penalties for infringing the new Act and Rules made under it need not be very severe for the present, though they should be such as to be effective.

11. At present the discussion on the injurious effects of infant marriage is confined to the educated portion of the Hindu community, and this portion is comparatively very small; the mass of the people do not understand the subject, and consequently take no interest in it. One great advantage of the measures recommended above will be that it will rouse the attention of the whole country to the subject. The question will be discussed by every man and woman, and the sympathising officers of Government will be able indirectly to influence the masses in a social question of very great importance through the members of the Municipal and Local Boards, and put the weight of their influence, which by no means is inconsiderable, in the scale of a wholesome reform without any vexatious and authoritative interference in the social customs of the people.

II.—Enforced Widowood.

12. For removing this heavy social oppression I do not clearly see what Government can properly do in their legislative and executive capacities directly or indirectly. The evil is great no doubt as Mr. Malabari represents. Without going to the length of charging one and all young widows with wicked conduct, I can safely say that a large number of them go astray, and the consequences are horrible. Attempts at procuring abortions, which in some cases terminate in death and murders of pregnant widows by their relatives, are the results. These abortions, deaths, and murders seldom come to light. Pregnant widows are not unfrequently taken away to distant places and there such crimes are committed. When such attempts fail, infanticide is resorted to. I have not seen these things myself, but such is the general belief among the people, and there is, I have no doubt, much truth in it. The unfortunate miserable widows excite our compassion on account of the unnatural and unjust caste rules which permit

a widower to take a second wife freely, but prevent the widow under all circumstances from taking a second husband. Breaches of all other caste rules and religious ordinances are condoned, but the prohibition of widow-marriage is always enforced with extraordinary severity. All the high castes combine against those who disregard it, and no penalties and no bribes to heads of castes and priests can mitigate its rigour. Hindu society prefers to wink at the crimes of the widow rather than allow her to remarry. No notice is taken of well-known irregularities of conduct; proved abortion and desertion of infants are pardoned; and even conviction in a court of justice for infanticide does not exclude a widow for ever from caste and society. But the marriage of a widow even with a member of her own caste is considered a more heinous crime than all these put together. It is an unpardonable offence, and all possible means are adopted to persecute the unhappy woman and man who defy the prohibition, and all who keep social intercourse with them. Any parent or guardian who ventures to assist the widow and the man who marries her are immediately excommunicated. These persecutions are more rigorous and lasting in cities and towns than in the villages. Add to these difficulties of the unhappy pair, the secret antipathy of the orthodox Hindu officers and discouragement sometimes met with from officials of other creeds. The rich castes and relatives can easily afford to spend money to satisfy their revenge by false charges. English officers—Collectors, Assistant Collectors, Judges, &c.,—have always shown sympathy to these unjustly persecuted subjects of Government. They protect, help, and encourage those who venture to assert their rights whenever the latter are able to bring their cases properly before them, and for years to come the hopes of the reformers must mainly depend upon these officers. I see no speedy and effectual remedy. An overwhelming majority of the people being against widow-marriage, the few reformers seldom get any access to widows to ascertain their wishes. Most of the grown-up widows know that they are at liberty to remarry, but they do not come forward from fear of excommunication and social persecution. Most of them also believe that remarriage will cast a lasting disgrace on them and their families, and the status of their parents, brothers, and relatives will be lowered in society for ever. These are the chief considerations that keep back many widows who would otherwise gladly marry if they could get suitable husbands. The sympathy of Englishmen for the oppressed and helpless widows and influential and active Native associations to assist them with judicious interposition of authority to a small extent by some such measures as recommended by Mr. Malabari may rescue some widows from life-long miseries and gradually shake the deep-rooted prejudices of the people on the subject.

From NANDSHANKAR, Assistant Joint Administrator, Rajpipla, to the Acting Under-Secretary to Government of Bombay, General Department,—dated 25th November 1884.

As desired in your letter No. 4164, dated the 13th instant, I have the honour to submit my views on the proposals made by Mr. Malabari in his two notes on "Infant Marriage in India" and "Enforced Widowhood."

Infant Marriage in India.

The evils resulting from infant marrigaes, as exemplified in a great majority of instances, are acknowledged by the educated portion of the Hindu community, which, however, forms but a small minority. The custom is almost unknown among the aborigines of Gujarat and among the upper class of Rajputs, the anxiety evinced by the parents to secure husbands for their daughters of a class higher and nobler than themselves operates in some cases as a check upon this practice. Marriageable girls among some sections of the Shrawak community and a few sub-divisions of Brahmans are regarded as marketable commodities, whose value rises with age. Among these people grown-up virgins arrived at the age of puberty are frequently met with, but such instances among other castes of Gujarat Hindus are but few and far between. The baneful effects of early and ill-assorted marriages are in some cases felt and acknowledged even by the uneducated mass of Hindus; but so powerful is the hold which the doctrine of fatalism or predestination has on their minds that unfortunate marriages are regarded rather as the inevitable decrees of fate than the result of their own folly or indiscretion. Hindu parents generally believe that their first and principal duty towards their children is to get them married, and when once they have done this, they think they have discharged their obligation, and nothing remains for them to do but to leave the rest to Providence.

A long-standing custom, coupled with some injunctions in what are commonly regarded as shastras, enjoins that girls under 10 years of age should be married. Then again the desire of parents to partake of the pleasure of seeing their children united in bonds of matrimony at an early age, to enjoy the marriage festivities, which are looked forward to with a keen interest,

to see them married in their own life time or in that of some old members of the family: these and other considerations lend support and countenance to this practice.

A son may remain unmarried, but a daughter cannot. A grown-up virgin is a rarity among the higher classes of the Hindus, and an old bachelor is frequently stigmatized as a person of low birth or tainted with vice.

Ill-assorted marriages are the result of a desire to seek a husband or wife belonging to families which are by common consent acknowledged to be superior to the rest, or of a greed for money obtainable by disposing of their grown-up, unmarried daughters to the highest bidders.

The celebration of infant marriages is not so much reprehensible as their consummation at a very early age. Hindu parents are particularly anxious to send their daughters to their husband's houses before they arrive at puberty simply to avert all chances of their being led astray. Girls 13 or 14 years of age are, when they are with their parents, regarded as "a bundle of snakes," whose presence is attended with more or less risk, and hence their eagerness to keep them with their husbands before their passions are developed. Even the fathers of unmarried boys labour under the same apprehension, and a fear, lest they contract evil habits or run away with some woman, induces them to provide them with wives at an early age.

The incentives to the celebration of infant marriages and their consummation at a period when both the husband and wife are totally unfitted for entering into the matrimonial state being so manifold, the task of successfully dealing with this cherished and time-honoured custom is fraught with much difficulty. To invoke the aid of the legislature for suppressing the custom of child marriages and ill-matched unions is undesirable and is not advocated by Mr. Malabari.

So long as the Hindus consider it an act of merit or honour to give away their daughters in marriage before they arrive at the age of puberty, so long as they are anxious to consummate marriages before their constitution is developed, so long as they are solicitous of marrying their sons in their boyhood and of taking part in the frolics and festivities attending the marriages of their sons and daughters during the precarious terms of the lives of themselves or other aged members of their families, and so long as parents are eager to make money out of the marriages of their daughters, it is almost impossible to devise measures calculated to discourage child-marriages or ill-assorted unions without offending the moral susceptibilities of the orthodox portion of the Hindu community.

The proposal said to have been made by a competent Hindu authority at Madras to a European that money paid for a girl should be deposited for her exclusive benefit appears to be capable of being evaded by the parents by secretly taking more money for themselves and keeping a small sum for the daughter. The graduates of our universities are but very few in number, and any action taken by or for them would not, I believe, achieve the desired object. The employers and heads of offices look more to the qualifications of their employés than to their family matters; and they would hardly sacrifice or risk their interests for the sake of improving the social condition of the Hindus. I have heard of some heads of offices in England preferring unmarried to married men for their clerks, and the same preference could be given here, if they were so minded, but such an encouragement, even if afforded by a few employers, would be productive of no appreciable effect.

The spread of education and enlightenment among the Hindus, both males and females, is the only efficacious agency available for this purpose; and, though the effects will be slow, they will be sure and lasting. Long-established customs and deep-rooted prejudices, particularly when believed to be sanctioned by religion, cannot be quickly or easily eradicated. The schoolmaster who is now abroad can do something in this direction, the educational authorities can insert a few chapters in the school-books exhibiting the evils of child-marriage in their divers forms, and the educated and enlightened leaders of society may raise their voice against this pernicious custom, and persist in agitating the question until a salutary change in the practice is effected. The State may lend its moral support and its officers may at times exercise some gentle pressure; but the evil complained of will not be mitigated by such means. It is a question of time, and as prolonged virginity among Hindu females is not visited with excommunication, its extinction can be more easily effected than that of some ther customs conservated by age and religion, the breach of which entails the deprivation of the rights and privileges of caste.

Enforced Widowhood.

The subject of the prohibition among certain classes of the Hindus against the remarriage of widows is more difficult to deal with than infant marriages. In the first place enforced widowhood is believed to have the sanction of religion. For many years past a controversy

has been carried on between the reformers and the orthodox regarding the validity of the marriage of the Hindu widow according to the Shastras; but as yet the former have not been able to convince their opponents of the justice of their cause. The orthodox, both priest and layman, still believe that their old Shastras do not enjoin the remarriage of their widows. The practice may lay claim to antiquity and has all the force of long-established custom. It is associated with a high sense of honour and delicacy cherished by the people in respect of the status of females and is commonly regarded as a sure criterion of the superiority of one caste over another. This mark of distinction between the higher and lower classes of society is observed by some respectable Parsis of the old schools and Kasbátis and other well-to-do Mahomedans living among Hindus. The mass of the people among whom the prohibition in question is observed, believe that a woman once given away to a man as his wife cannot live with another as her lawful husband. If unfortunately the husband dies, she is taught to regard this sad calamity as a visitation of Providence for sins committed in her former state of existence; and she must patiently submit to the will of God and lead a life of self-abnegation without thinking of the pleasures of life. There are undoubtedly some Hindu widows who endure with true resignation the trials and privations of enforced widowhood; but there are at the same time many others who yield to temptation and slide from the path of virtue. The problem for solution is how the latter class of Hindu widows can be rescued from its pitiable condition and afforded every facility for contracting a second marriage. As the prohibition now stands, they are sometimes guilty of committing child-murder and other heinous crimes against the laws of nature and society.

The evils resulting from enforced widowhood are quite manifest and need not be dilated upon in this place. Here again, as in the case of early marriages, the doctrine of fatalism comes in the way, and in some degree reconciles both the widow and her relations to her sad lot. A Hindu admires and reverences a man who leads a life of self-denial and mortification, and a widow who conforms her ways of life to the rules and regulations prescribed for her in the Shastras is held in high esteem. On the other hand, a widow who subordinates her sense of what she believes to be her paramount duty to her carnal desire lowers herself in the eyes of her caste-people and neighbours. A young widow whose marriage was never consummated may find a few sympathizers in case she falls into evil ways, but the majority raise a hue and cry and denounce both her and her parents in the strongest terms. The females of her acquaintance, who may be expected to commiserate a fallen sister, are the loudest in their vituperations, and make no allowance for her shortcomings. So long as she carries on her intrigues in secret, she is tolerated and her misdeeds connived at. But if she dares to commit an overt act, as abandoning her house and living with her paramour, eloping with him, preserving the offspring of her illicit love and lastly marrying him, the whole caste passes on the guilty pair (if they both belong to it) the highest punishment they can award—namely—excommunication. Her parents and relations are not excommunicated, if they keep aloof from her and refuse to eat or drink with her. A few who have had the moral courage to brave obloquy and social degradation, have taken a second husband, but the majority of widows, even if they have the desire of bettering their lot by a second marriage, have not the pluck to sever their connection with their friends and relations.

Act XV of 1856 has legalized the status of Hindu widows contracting a second marriage and their children by such marriage and has preserved to them some rights of inheritance and succession which they were held to have forfeited. But these concessions have proved quite inadequate for the attainment of the object aimed at. The dire penalty of excommunication hangs over their heads and deters them from transgressing the laws of their caste.

Let us now see how far the proposals laid down by Mr. Malabari are feasible, and how far Government interference in such cases is desirable and efficacious.

The first proposal is that Government should rule that no Hindu widow who is a minor shall be condemned to life-long widowhood against her will. It is, I believe, very difficult to ascertain whether a child-widow has the will to remarry. In a majority of instances these minors will be found to have no such desire, and even if they have, they will hardly admit it.

With regard to the second proposal, I am of opinion that enquiries as to whether a widow has adopted perpetual seclusion, voluntarily or whether it has been forced upon her, will generally prove futile. In cases of enforced widowhood the widows will hardly have the moral courage to make the required sacrifices.

The third proposal is feasible as every widow has now the right to complain to the authorities of social ill-usage (over and above excommunication). Government may in such cases afford he the facilities needed.

Regarding the fourth proposal no priest has a right to excommunicate the relations and connections of the parties contracting second marriage in the event of their refraining from

eating and drinking with the principals in the same way as they did before they were outcasted.

The much dreaded sentence of excommunication involves the forfeiture of the right to invitation at caste feasts and eating and drinking with persons of the same caste as before. Neither can the outcaste marry his children in the caste and on his death his dead body is not carried to the place of cremation by any of his former caste people. What can Government do in this matter? They cannot *force* people to contract marriage relations with the family of an outcaste, or carry his dead body to the burning ground. Neither can they induce them by force to hold the same intercourse with him as regards food and drink. The enforcement of the right of invitation to caste dinners can be evaded by excluding with the outcaste one or two persons of the caste, who for some reason are prevented from joining them. The outcaste can criminally prosecute his opponents on a charge of libel; but even if he is successful, it avails him nothing. The Civil Courts take no cognizance of caste disputes, and even if they did, the task of carrying on almost interminable lawsuits single-handed against the whole body of the caste proves too much for his time, purse and patience. In fact, caste with this formidable weapon of excommunication in its hands is so potent that few have the hardihood to brave its terrors.

Under these circumstances the remedies for the evil must be sought for elsewhere. In the first place if the celebration and consummation of the marriage of a Hindu girl were to take place simultaneously child-widows would cease to exist. For adult widows appeal must be made to the same agency of education and spread of enlightenment among the mass of the people. The stronghold cannot be taken by storm; it must be surrounded and the garrison starved into capitulation. The priests are not particularly interested in this matter. They officiate for those whose widows remarry and they would not scruple to perform the priestly office for such of the other castes, which may hereafter introduce the custom of widow remarriage. Both they and the laity cherish a common sense of honour in keeping up this prohibition and no change for the better can take place without the concurrence of both parties. Let the isolated cases of widow remarriage which now and then occur prepare in some way the minds of the orthodox, let the leaders of society raise their voice against this inhuman custom, let poets sing the miseries and horrors of enforced widowhood and melt their audience into tears with the recital of the wrongs of the widows, let the schoolmasters, lecturers and authors of books and pamphlets inveigh as vehemently as they can against this evil, let associations be formed to ventilate their grievances and afford direct or indirect encouragement to the cause, let outside influence be exercised and gentle persuasion be tried and in short let all legal measures be adopted to further the end in view, and in process of time the condition of Hindu widows will be ameliorated, and the dreaded interdict will for ever be removed.

From Lalubhai Nundlal, Native Assistant to the Commissioner, Northern Division, to the Under-Secretary to the Government of Bombay, General Department.

1. Infant Marriage.
2. Enforced Widowhood.

As desired in your No. 4164 of the 13th instant, I have the honour to submit my opinion on Mr. Malabari's notes on the subject noted in the margin. I will take up the subject in *seriatim*.

Infant Marriage.

The meaning of the term "Infant Marriage" does not convey a proper sense of the subject at issue. In the first place, therefore, I must explain my meaning of the words and then begin to show my views with regard thereto. In fact, there is no such thing as marrying two infants together except on very rare occasions. This we may well leave out of the question and confine our observations to customs of general prevalence. Among the higher caste people girls are generally married from between the age of 7 to 10, the bridegroom being a little older. It is among the people of the middle caste that infant betrothal is carried on to a certain extent. There are various considerations which give rise to this course or rather practice. Some are swayed by the anxiety of securing bridegroom from a high family, some by the so-called auspicious occasion and some by other minor independent ideas of their own. But this is infant betrothal, not necessarily infant marriage, which only occurs under exceptional circumstances. Infant betrothal has no such pernicious effects as is dreaded of from infant marriage, and it must be remembered that though parents are anxious in some cases to give their daughters in marriage at an early age, the marriage is not celebrated till the child arrives to the marriageable age, for the constant dread of widowhood is kept before their mind's eye. The celebration of marriage is, no doubt, sometimes made at convenience without looking at the

pair's age. I say rather early—in castes that have no restriction to a wife or widow entering into another marriage contract. This is easily perceived in the caste of Kunbis and others. And if therefore an infant marriage occurs in such a case, it matters not much, for the female is at liberty, either in the lifetime of her first husband or after his death, to remarry.

The chief point, therefore, that is left for consideration is whether the general marriageable standard of the age of girls—from 7 to 10—is objectionable. So far as the popular belie goes, this is in accordance to what is enjoined in shastras. Independent of this there isf another consideration. The climate of India makes it desirable that girls should be married at this age, and though at the same time it would be very much desirable that the consummation should begin a little later, I think to provide for this a remedy in checking marriage at the age above mentioned is rather fighting against Nature itself.

There is one form, however, of this so-called infant marriage which requires to be checked. It is where the bridegroom is not reasonably older or is younger than the bride. This brings forth many of the evil results enumerated by Mr. Malabari. To the remedy proposed in paragraph last but one, I would add that the husband should be authorized to file a suit and get the purchase-money deposited in his wife's name.

It cannot be denied that much good sense and forethought in the contract of marriages is made subservient to customs of the caste, but I think the only desirable remedy is to diffuse widely and in details the instructions on the subject through agencies appointed by or under British officials. There is no surer way of success as inducing people, and I don't know why the District officers should not make it their point while visiting villages to spend an hour or so in lecturing on this subject to the ryots. The general lot do not resort to the universities, and the way of instructing them is no better, I think, than this except that books of rudimentary knowledge in Vernacular should be made to contain a few lessons instructive on this head.

Enforced Widowhood.

I think this subject relates to cases where widows are kept out of second marriage against their will. I will again revert to higher and lower caste status. The latter has no such restriction, and the question therefore only pertains to the former. Mr. Malabari speaks of pitious appeal made by widows. I do not see why, when the Law does not prohibit them from remarrying, there should be anything in their way. I think those who feel their state are not likely to scruple to break the caste regulations. And there have been cases, though few, of this kind. To subvert the views of a community by a single act is an impossibility, to check it is not politic. Government have done what they can by shewing their sympathy (Act 15 of 1856) with the widows, and I don't know what other middle course can be adopted, as I have shewn that there is no infant marriage in general, but only infant betrothal, and if the bridegroom dies without marrying, the bride is not left a widow. The marriageable age it is not desirable to disturb, so there is no reform wanted on that side.

For my part, I am inclined to think that widowhood falls rather heavily on minors, and it may be well to allow them to remarry by all means. But there is no likelihood of any such rule being enlisted in a caste regulation, and I think the widows, who are in earnest to remarry, should well undergo caste excommunication, and there is no fear, so far as my experience goes, of any such fear of their relatives sharing the same fate as supposed by Mr. Malabari. If this is a fact this should be put down. Government may also grant special facilities in the worldly career of such married couples by way of attracting others. For instance, if the couple belongs to the cultivators class, land may be given to them without occupancy price or any other favours shewn as best suit their callings.

Things like these are best handled by time, and I think it will be only pulling an unripe fruit from a tree, were external force applied or means devised rather than allowing it to take its time on the tree and drop gently ripe and fit for use.

Education is advancing with rapid strides in India and there is every likelihood of reforms of all sorts that are concomitant with progress of knowledge keeping pace with time, and bursting what may seem at present the deep laid and impassable barrier of the caste.

From JOTTEERAO GOVINDRAO PHULAY, to the Acting Under-Secretary to the Government of Bombay, General Department,—dated 4th December 1884.

With reference to your letter No. 4164 of 13th November 1884, I have the honour to send herewith my opinions on "Infant Marriage" and "Enforced Widowhood" for the kind consideration of His Excellency the Governor in Council.

Opinion from JOTTEERAO GOVINDRAO PHULAY, on Note No. I, by MR. B. M. MALABARI on Infant Marriage in India.

I concur with Mr. B. M. Malabari's laudable undertaking, and hope that something may be done by our enlightened Government to alleviate the miserable state of the deluded people of this country. Although Mr. B. M. Malabari is not pressed under the immediate burden of our customs and manners, invented by Aryan Shastra makers, he treated the subject so remarkably well that the Shudrathi-Ati-Shudras and Bramin widows will thank him in future undoubtedly. I also now beg to add a few remarks on the middle and lower orders, the down-trodden aborigines of this country. In the course of marriage if any slight dispute takes place between the parties, the poor girl has to suffer all her life-time. After the marriage is over, should a defect in her family happen to come to the notice of the boy's father, the innocent girl is considered an outcaste. If the boy is younger than the girl, she is not well fed, clothed and cared for properly, nay, she is not allowed to remain with her rich parents. If her father-in-law be ignorant and poor, the girl, not being fed well, is stunted in her growth. In short she is more heavily loaded with work for days and nights than the American slaves. Thus she is so unbearably tyrannized that she is obliged to put an end to her life by committing suicide; and the crime is very often hushed up by bribing the village Patel, Coolkerni (the quarrel-monger) and Policemen. Many poor parents on the bridgroom's side are thus, by incurring debts for marriages, ruined on account of the premature deaths of their daughters-in-law. Besides the husband boy, on coming to his proper senses, does not like his wife and marries one of his own liking. Being thus accustomed, he is induced to marry two, three, or four wives at a time in succession, and thus renders his whole family discontented, abusive, and quarrelsome. These ignorant wives are not only obliged to poison each other, but sometimes their own husband. Now the enlightened Hindu of Bengal has made excellent suggestions to University graduates, and these, as they suppose would be a fair beginning for the educated class, but, I think, their suggestions are not *universal and applicable to all the classes of Shudras and Ati-Shudras,* because a very few of the former attend the University and the latter are not at all admitted even into vernacular schools and allowed to sit and learn with the higher class boys. In conclusion, unless our wise Government use some compulsory measures, the ignorant, middle and lower classes will not come to their proper sense, because the so-called higher classes of Hindus, who hold responsible posts under Government, have by their cunning and shrewd ways, purposely misguided them in matters of *religion* and *politics.* I therefore suggest that Government should rule that boys under nineteen years of age, and girls under eleven, should not be allowed to marry. In case they do, some reasonable tax may be levied on the parents of the parties married, and the money thus obtained should be used in the education of the middle and lower classes of Hindus. But the education should not be transmitted through the medium of *Brahmin teachers,* for, while educating, they create in the minds of the pupils wrong religious ideas and lead them astray. Even the subsidiary kings, Sindia, Holkar, and others are, we find, cheated in the open daylight under the pretence of invented religion, and are induced to extract tax indiscriminately from the cultivators without giving them timely allowances. But there is strong hope that His Highness the present Ruler of Baroda will try his utmost to educate and better the condition of the ignorant cultivators, as His Highness has received a good and sound English education.

Opinion from JOTTEERAO GOVINDRAO PHULAY, on Note No. II by Mr. B. M. MALABARI on Enforced Widowhood.

Now I touch upon the most delicate subject of enforced widowhood upon Brahmin women. The partial Aryan Institution inconsiderately allows polygamy to males, which causes them to fall into new habits of wickedness. When his lust is satisfied with his legal wives, he for novelty's sake haunts the houses of public women. He then contracts venereal diseases from them and is obliged to seek medical assistance at an exhorbitant cost, for himself and his wives. When medical treatment ceases to cure him and his wives he loses all hopes of getting children. In this deplorable condition of his life if the lewd husband finds his own wife to go out during night he suspects her of leading a vicious course and so, punishing her severely, turns her out. In old age in order to obliterate the stigma upon his character, the shameless fellow becomes a religious man and hires public harlots to dance and sing in the temples with a view to venerate the stone idols, for his own satisfaction. After the death of this wicked man, his young and beautiful wife is not allowed by the same Aryan Institution to remarry. She is stripped of her ornaments; she is forcibly shaved by her near relatives; she is not well fed; she is not properly clothed; she is not allowed to join pleasure parties, marriages or religious ceremonies. In fact she is bereaved of all the worldly enjoyments, nay, she is considered lower than a culprit or a mean beast.

Moreover, the Aryan Institution enjoins Brahmin males to marry even the lower class girls during the life-time of his first wife; but his real own sister is prohibited to remarry, after the deise of her first husband. Such partial and unjust prohibitions necessarily lead the helpless Aryan widow to commit horrible and heart-rending acts of atrocity. To prove the above assertion I insert the following instance. One of my Brahmin friends named Rao Saheb Sudashive Bullal Gowndey, who was an officer in the Inam Commission, employed in his house a Brahmin widow as cook, whose name was Kashibai. The poor Kashibai was a well-behaved and beautiful young woman of a respectable family. She was a chaste woman. She served several months in his house. But in his neighbourhood there lived a shrewd and cunning Shashtriboova of a Brahmin caste, who tried his utmost to mislead this ignorant woman. Kashibai at first resisted his inducement but at last she fell victim to his desire and immediately became pregnant. Afterwards by the persuasion of her paramour, she tried several poisonous drugs to commit abortion, but all her attempts failed. After nine months were completed, Kashibai gave birth to a beautiful son and for the sake of her disgrace she murdered the innocent infant with a knife and the corpse was thrown into the well behind the house of her master. Two days after she was arrested by the police on suspicion, tried before the Session Court in Poona and was sentenced to transportation for life. This crime Kashibai committed, that her character may not be spoilt among the Brahmin community. Her case brought to the notice of the public the unjust and partial character of the Aryan Institution, and so the people were struck with horror. Although my means were not sufficient to defray my expense yet I was compelled to establish a foundling house, in my own compound in Poona, for the Brahmin community immediately after Kashibai's trial was over. The enclosed copy of printed notices were then pasted on the walls of the corners of street, where the Brahmins reside. From its commencement up to the present time, thirty-five pregnant widows came to this house and were delivered of children, of whom five are living and thirty died by the injuries done to them while in the womb by the poisonous drugs which the mothers must have taken with a view to conceal their pregnancy. Many of the beautiful and helpless ignorant young widows of the respectable Brahmin families have turned out private and public prostitutes on account of this wretched system. How abominable and degrading is the system of Aryan Institution, which compels Brahmin widows to drag their lives in so miserable and shameless ways, that even modesty shrinks back to enter into particular details. In conclusion, I most respectfully crave the the favour of your enlightened English Government to remove the tyranny of enforced widowhood, exercised upon the helpless women, by the relentless system of Aryan religious institution. I therefore propose that no barbers should be allowed to shave the unfortunate Brahmin widows. It is quite evident from the partial Aryan religious institution that, when it prohibits the widows from remarrying, why the widowers should be allowed to remarry? If the favour be shown to the latter then the poor widows must of necessity be permitted to remarry. There is no doubt that the selfish and wicked law-givers must have added such unjust and nonsensical clauses into their shastras with malice towards female sex.

From GURSHIDAPA VIRBASAPA, District Deputy Collector, Belgaum, to the Acting Under-Secretary to the Government of Bombay, General Department,—No. 327, dated the 5th December 1884.

I have the honour to submit my opinion on the proposals made by Mr. B. M. Malabari in his notes on infant marriage and enforced widowhood, in obedience to orders communicated in your letter, General Department, No. 4164, dated the 13th ultimo.

Infant Marriage.

2. From my knowledge which extends only to the Southern Division of this Presidency, I find that infant marriages are of rare occurrence now-a-days and that child marriages, too, are becoming scarce, as people have begun to understand that such marriages end in unhappiness. By child-marriage I mean marriages celebrated before a female child is 11 years old. In India, owing to climatic causes, we have precocious maturity and precocious old age while this is not the case in Europe and other cold countries. A female child generally arrives at puberty at the age of 12, and a girl arriving at puberty at the age of 12 cannot be called in this country a child, but she is at this age a young woman. It may be noted here that however early the marriage may take place, consummation, as a rule, never takes place before the girl arrives at maturity, and that the husband of the girl is always older than the girl by some years. Moreover, child-marriages do not affect those classes in which widow-marriages are allowed, for if the husband of the child were to die soon after the marriage had been celebrated the child-widow is sure to find a widower of a suitable age to marry her, and remarriages of child-

widows are usually performed after the child-widow has arrived at puberty. But child-marriage becomes a real grievance in castes in which widow marriages are prohibited. It is true that choice-marriages are not now allowed to be celebrated as they were in former times, but the community at large is not yet prepared to perform choice-marriages simply because they cannot be effected until women are sufficiently educated to claim to take husbands according to their own choice.

3. The remedies proposed by Mr. Malabari to raise the marriageable age of the boys are no doubt beneficial, but they appear to me to be impracticable of execution, for the present number of graduates and of persons seeking Government employ is infinitesimal in comparison with the number of persons following other professions. The result of Mr. Malabari's proposal, if acted on, will, I fear, be that graduates and Government servants will hardly find suitable wives. The proposal of Mr. Malabari I approve of is that which relates to the Educational Department giving a few chapters in its school-books describing the evil in its various forms. I also approve his proposal to put a stop to the sale and purchase of girls, and if this is done no old man can secure a young girl for his wife, and he will be the first man to solicit Government to introduce the widow-marriage, if it is prohibited in his caste, and there will be no unequal marriages in castes in which widow-marriages are allowable, for no sensible man will marry a girl far below his age when he can get one suitable to his age. I do not think any Hindu, orthodox or otherwise, will object to such sales and purchases being prohibited.

Enforced widowhood.

4. Before entering into this subject I may be permitted to state that I am a Lingayet and as such, belong to a sect of Hinduism in which widow-marriages are allowed, and that therefore my opinion will be unacceptable to most of those who are forbidden to contract widow-marriages. But since Government have called on me to give my opinion on that subject, I do so with great reluctance.

5. The evils pointed out by Mr. Malabari do exist and I am of opinion that they should be eradicated, but the remedies he has proposed, and any other remedies similar to those that might be proposed, will go a little way in putting them down. Mr. Malabari's desire expressed in his letter of the 15th August 1884, that the evils set forth in his Note should be mitigated without calling in the aid of direct legislature, and without offending the susceptibilities of the orthodox, cannot be gratified, because most of the remedies he has proposed to mitigate the evils will certainly offend the susceptibilities of the orthodox. If, therefore, Mr. Malabari really cares for the feelings of the orthodox, he must despair of accomplishing the object in view and agree with the benevolent let-alone-ists in thinking that the only remedy possible is to educate public opinion on the subject and then to set this educated public opinion to cope with the evil in operation.

6. But if it is admitted that the evils do exist, that they are of a serious nature, and that it is necessary that they should be eradicated, then the Legislature and the executive should step in and with the co-operation of the earnest educated Natives do all they can to root them out, unmindful of the susceptibilities of the orthodox being hurt by their procedure. If Government are anxious to put these evils down they can easily do so by declaring and enforcing vigorously its declaration, that widows willing to remarry will be afforded every facility to do so, and that obstruction to such remarriages by excommunication from castes, or other means, will be severely dealt with, as was done with Suttee and Infanticide—and I concur with Mr. Malabari in considering that the evils arising from enforced widowhood are more numerous and more heinous than the two evils which Government put down with a strong hand. I say that these evils can be easily put down by Government with the assistance of the educated Natives because no respectable individual would wish, if he could help it, to have an immoral woman in his house, and because the spiritual guides who have the power of excommunication will yield to the educated Natives, such as merchants, vakeels and Government servants who contribute largely towards the maintenance of these guides.

7. If, however, Government are not inclined to go to this length, then let the educated Natives come forward in a body and have widow-marriages performed in their own houses at first, and I am sure the orthodox will soon follow suit. If the educated Natives are afraid of losing their kith and kin and their dear and near (and they will have to lose some or all at the beginning by adopting the course indicated above and no great reform can be effected without some such sacrifice having been made), then let Government and the educated Natives strive hard to stimulate female education to the utmost extent possible so that the females may have sufficient enlightenment to realize their present degraded position and sufficient moral courage to assert their right to remarry if they choose to do so.

From Narayan Bhikaji, District Deputy Collector, Nasik, to the Under-Secretary to the Government of Bombay, General Department,—No. 510, dated December 1884.

I had the pleasure to receive your letter No. 4164, dated 13th November 1884, calling for my opinion on the proposals of Mr. Malabari for the prevention of early marriages and enforced widowhood, and in reply beg to offer my opinion as follows :—

Infant Marriages.

I am fully acquainted with the customs obtaining in the Deccan and Carnatic. Marriages of the kind mentioned in the last paragraph of Mr. Malabari's memorandum of big grown-up girls of 12 to 15 years of age betrothed to boys of 8 to 10 do not occur therein. An elderly woman is considered in the light of a mother, and therefore the boy's age always exceeds that of the girl by 3 to 6 years. In *very very* rare cases it is equal, but in no case less than that of the girl in the Deccan and Southern Maratha country.

While employed in the Amdabad District I had a magisterial case before me in which a big grown-up Kunbi girl having been betrothed to a small boy, he was poisoned by the friend of the girl when she arrived at maturity. Cases of this kind occur sometimes in Gujrath, but not in the Deccan and Carnatic.

All the educated Hindus have now nearly given up the custom of having their sons betrothed before 16 years of age and daughters before 10, and therefore there will soon be vast improvement on this score without the intervention of Government.

Mr. Malabari's proposal to exclude married boys from University, &c., is the most unjust and cruel. The old parents will get the boy according to old custom married for sometime to come in his infancy, and if for their doings the boy is made to suffer, it will be tantamount to punishing an innocent being. Mr. Malabari's proposal should therefore *not be* entertained.

The intervention of Government most needed is for putting down the marriages of old men with small girls. These old men purchase the girls for large sums of money. Mr. Malabari's prevention-proposal is that the money be deposited in the Bank for the benefit of the girl, but the old man and parents of the girl will soon baffle any legislation on this subject. They will give the money privately.

Without enlarging on the subject I beg to state that the marriage system among the Hindus does require a little reform, and shall be glad to see an Act passed by Government—

1stly,—that no boy before the age of 16 and no girl before the age of 11 be betrothed on pain of a fine not exceeding Rs. 1,000 recoverable with distress and sale of the offender's property. This ruling is not opposed to the present custom followed by the educated men and therefore will not be objected to.

2ndly,—that no old man, that is a person above 40 years of age, marry a girl below the age of 12, and then too without her written consent recorded before Punch to be appointed for the purpose. Girls at the age of 12 have sense enough to express their assent or dissent about the husbands selected for them by their parents. Men who want to make money by giving their girls to old men always keep their girls unmarried or unbetrothed till 13 or 14 years.

Enforced Widowhood.

I beg to state that all that Mr. Malabari has written on this subject is quite correct with the exception of that part which states that there is scarcely a village or hamlet whose shrine is not desecrated by murder.

The religious belief is still *very very* strong among the people, particularly among women. They attribute all calamities to sins committed by them in former lives and look to happiness in future ones by conducting themselves piously. The terrible fear of a future calamitous life has no doubt kept back ¾ths of the widows from mischief which will increase in proportion to the decrease of the belief in a future life. We cannot force widows to remarry, but we must put down by legislation the remnant of the sattee. It is this, that instead of burning the widow they now strip her of her hair and burn it with the corpse of her husband. The most barbarous custom of shaving the heads of widows and stripping them not only of all their ornaments but their bodies even requires to be checked.

No woman below the age of 35 gets herself shaved voluntarily. She is forcibly shaved by her relations. In consequence of this dread or disfiguration many commit suicide and others run away.

There is at present a Brahmin lady in Nasik, the wife of a deceased 1st class mamlatdar. She has not shaved herself on grounds that she does not want her body to be touched by another man. Her conduct is a model of morality. She has composed an essay to the effect, 1stly, that it is cruel on the part of men to disfigure women because their husbands happen to

die; and 2ndly, that it is shameful to a spirited Hindu who secludes his wife from society simply to keep her off the evil eyes of bad men to allow his female relatives to be handled by the barbers.

I am therefore strongly of opinion that a law be passed that no widow below the age of 35 shall be shaved by a barber without the written permission of a Punch given by them after noting down the voluntary desire of the woman concerned.

The law on both the above subjects should according to the Gambling Act be made applicable to towns and villages on application of the inhabitants of the class to whom the same affects. This provision will make the effect of the law slow but sure.

From GOPAL RAO HURRY, Dewan of Rutlam, to the Acting Under-Secretary to the Government of Bombay,—dated the 12th December 1884.

I have the honour to acknowledge the receipt of your letter No. 4163, dated the 13th instant, enquiring whether the letter published under my signature in the *Indian Spectator* of the 12th October last may be taken to represent my views.

In reply I beg to state, for the information of His Excellency the Governor in Council, that the letter referred to should be taken to represent my views. I further take the liberty of submitting that in my opinion it is necessary to amend the Widow Marriage Act; so far as declare any public proceeding adopted by caste or others to excommunicate and molest any remarried couple or their friends is illegal and penal under Chapters XXI and XXII of the Indian Penal Code.

From K. C. BEDARKAR, to the Acting Under-Secretary to the Government of Bombay,—dated the 15th December 1884.

In reply to your circular letter No. 4164 of the 13th ultimo, I have the honour to submit my opinion regarding the proposals made by Mr. B. M. Malabari in his paper on "Infant Marriage" and "Enforced Widowhood" for the information of His Excellency the Governor in Council.

NOTE I.

Infant marriage in India.

Mr. Malabari has not in this paper formulated his proposals with perspicacity and exactitude, but has left the readers of his note to form their own idea of them. I fear some uncertainty and difference of opinion must remain as to what it is which Mr. Malabari wishes the Government to do and what it is that he would wish the people themselves to do. So far as I am able to analyse his note, the following would appear to be his proposals on the infant marriage question :—

1stly.—That the Government might well show its disapproval of infant marriages indirectly by means of the educational authorities, who should rule that after a period of 5 years no married student should be eligible to go up for University examinations.

2ndly.—Several other departments of the State might also devise similar means of excluding the employment of married persons.

3rdly.—That the State should rule that the money paid by or for the bridegroom to the bride, her parents or her guardians as a consideration for the marriage, shall be the exclusive property of the bride and shall be applied for her exclusive use.

4thly.—That the State shall rule that the parents or male guardians of a boy, who bring about his marriage at the age of 8 or 10 with a girl of 12 or more, should be held criminally responsible.

(*a*) That University graduates and others should form themselves into an association and take a pledge not to marry under a certain age.

(*b*) That no educated man shall marry a girl too much under his age.

I presume that His Excellency the Governor is anxious to know native opinion as to whether the State should at all interfere in the matter of infant marriage in India.

2ndly.—If it should do so, to what extent the interference should go.

3rdly.—Having regard to the relation existing between the State and the people of India, should the State take any, and, if so, what measures in this matter without legislative or executive action.

I am always chary of State interference with the social and domestic relations of its subjects, and should usually deprecate such interference, but the circumstances of this country are peculiar and its relations with the Government are quite exceptional. The elements which bound the different sections of the numerous Indian communities are gradually getting weaker. Each caste or section of a caste is now a less compact body than it was before. The head of a caste or its sub-division is scarcely now the potent personage, which he was under the Native or Mahomedan rule. Take the example of any caste a hundred years ago. Its members, how-

ever different in social status, in material prosperity and in literary culture, generally held the same religious opinions, observed similar religious practices and held identical views on questions of vital social importance. The headman was one of them in every respect, and by his superiority in the same direction held them together by powers delegated by them, and exercised not only with their corporate consent, but sometimes, when necessary, with the agency of the State. If the caste wished to change a custom the headman found no difficulty in effecting the change, for he had to work with sympathetic members. The influence of an entirely different civilization has loosened the bonds of caste, which has lost its former power of co-operation. The loss of the habit of self-government has deprived the Hindu community as a whole as well as its numerous sub-divisions of the power of action.

If India has to wait till public opinion is sufficiently educated as to be able to effect radical changes it may have to wait till Doomsday.

Under the peculiar circumstances of India, therefore, I think that the interference of the State, where it advances general welfare, would not be out of place, and legislation tending to check infant-marriages will undoubtedly advance general welfare.

As to whether State interference should be direct or indirect, I am decidedly of opinion that it should be direct. The exercise of indirect influence is susceptible of misconstruction under all circumstances. In India such an exercise will do more harm than good. I think that if the State does make up its mind to interfere in this matter it should do so in a bold, open and direct way, so that its intention may be least misunderstood and its action correctly gauged. There is a look of formidableness on the face of an avowed action, but with the lapse of a little time people grow familiar and take to it more kindly than to a hidden indirect attempt at interference which can be exaggerated and misrepresented.

The interference of the State, I think, may safely go to the extent of their enacting that no marriage of a girl under 13 or of a boy under 17 shall be legal in any part of British India in any caste or community. An interference to this extent will neither be violent nor abrupt, nor open to serious religious objection. I dare say a storm will be raised at first, but it will soon subside leaving the social atmosphere clearer and healthier. In castes in which infant-marriages are most frequent and in which infants of the most tender age are married, instances can be found of girls remaining unmarried till 14 and sometimes 15, and I think of no authenticated instances in which they have led to excommunication. And as to instances of boys remaining unmarried till 20 they can be found in the best and wealthiest families all over India.

Viewing Mr. Malabari's proposals by the light of these observations it will appear that, sympathizing as I fully do with the object of Mr. Malabari's paper, I do not fully concur with any of his proposals. I think numbers of married boys are now at school who will not naturally go in even for the lowest University examination for 7 years more, and supposing all those are exempted from the operation of the proposed rule, I do not think that Indian society will undergo such a change within the next 5 or 15 years as to allow the intended rule to work without considerable injustice and mischief. Fully as great and wide an agitation may perhaps be raised and dissatisfaction expressed at Mr. Malabari's proposals as at the legislative measure which I advocate, and I venture to think that the latter open measure will, in the end, command greater sympathy and prove more effective in accomplishing the desired object. The Universities which have now come to be regarded with universal respect throughout India, will be turned into objects of suspicion and viewed as proselytizing bodies. It is very important, I think, that the Universities, by an unwise alteration of their constitution or exercise of indirect interference with the social and domestic relations of the people should lose that place in the affection of the people of India which they now have. The present course of higher education, which the present constitution and the present mode of action of the Universities has fixed, should not be allowed to be radically altered, as I fear it would be, by the adoption of Mr. Malabari's proposals.

The proposal that other departments of the State might also devise similar means of excluding the employment of married persons is, I think, also objectionable. Unauthorized State interference of an indirect kind, the extent of which is to be determined by the choice of a changing set of officials, should be rigidly avoided.

The proposal for the application of the money paid by the bridegroom as a consideration for the marriage will require legislative interference and extremely difficult of successful performance. Means will be easily and readily found by interested parties to defeat legislative measures of this kind. It does not seem practicable to give to this proposal of Mr. Malabari's an enforcible aspect.

Mr. Malabari's complaint against the parents of boys of tender age married to elder girls is a gratuitous slander upon Hindu society. Such marriages, so far as I know, are more

common in the section of the caste of the Surat Anavlâs commonly called Desais. With this community I am well acquainted, and I assert without fear of contradiction that it is not guilty of the criminal arrangement insinuated by Mr. Malabari. Rare instances of misconduct may be found amongst Desais, but they will also be found elsewhere. In my official capacity I have inspected the record of crime in this Presidency for 17 years and I have no hesitation in giving to Mr. Malabari's statement an emphatic contradiction, admitting fully at the same time the occurrence of the alleged criminality in extremely rare cases. I do not think that Government interference of any kind is called for in this respect. I apprehend that Government invite native opinion more for the purpose of guiding them in their action rather than advise the people as to their own course of action. If the people did their duty Government action is at once out of place. The action of Government is all important where the people are unable to see in what consists their duty and in their inability to perform it after it has realized it in the fullest degree. The introduction of western ideas has weakened the bonds of caste and enfeebled its powers of action. Its potency remains in preserving intact its conservative ideas and institutions in matters religious, social and domestic. The people themselves have undoubtedly a duty to perform, and they must endeavour to perform it with or without Government aid, their omission to do so is a clear dereliction of duty, but if their power to perform it has been rendered weaker in some matters by a change of political circumstances the Government must step in and help them. The heads of castes and religious bodies still retain potent influence to successfully oppose the encroachments of heterodox reformers, who, thus becoming entitled to the aid of State, are not discharged of the burden of fitting themselves to receive it. The people themselves must show by their action that they really appreciate the help.

Mr. Malabari suggests that the graduates of the University and others should form themselves into an association and take a pledge not to marry till they are settled in life, or not to marry girls too much younger than themselves; but I ask whether there are any unmarried Hindu graduates in University, and if there are, how many of them are independent enough to take and carry out such a pledge. What we want is not the action of immature school-boys or book-worms, but of a society with a recognized status in the world, not the exuberance of enthusiastic scholars, but the sober and steady action of citizens of the world. From the progress that has been made within the last 30 years, I have every reason to believe that a nucleus of the reforming element has been formed, that in a few years to come the succeeding generation will add strength and vigour and lead to the development of a healthy growth of a more advanced set of ideas. I do not say that an association of graduates, if formed, will be amiss, but what I do say is that it will not produce such a very important effect as Mr. Malabari seems to anticipate. I think that the legislation, which I advocate, will be hailed by a considerable portion of the Indian people and will, in the end, tend to remove a great many of the evils now complained of and secure a great many of the benefits which Mr. Malabari hopes to derive from the proposals which he has made.

If the Government sees reason not to bring in a legislative measure of the kind proposed by me I would then, but not till then, invoke the aid of the University to make a rule excluding after a certain number of years, say 10, all married males from admission to University degrees. Such, I understand, is practically the rule in countries where similar Universities exist. I would not for many years to come refuse to married boys the benefit of collegiate instruction or admission to University examinations, but would content myself in the beginning at least with their exclusion from University degrees and the advantages which follow from such degrees. It would, no doubt, be a hardship that people should be allowed to learn up to the standard of a University degree and be admitted to the examinations for the degrees, and yet be excluded from them even though declared by the examiners to be successful. But it is my object that the hardship should be perceived and felt by the youths themselves and through them by their parents and guardians, and through them again by the community generally in order that the evil complained of may be speedily uprooted.

In the above paragraph I have used the expression 'married males' advisedly and with, the object of not interfering with the progress of female education. It is absolutely necessary that every encouragement should be afforded to Indian girls, and especially the married ones, in their educational progress.

Note II.

ENFORCED WIDOWHOOD.

In this note Mr. Malabari makes four suggestions :—

1st.—He asks Government to rule that no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will. By

betrothal, I suppose, Mr. Malabari means unconsummated marriage, for who ever heard of a 'Hindu girl, major or minor, who has lost her betrothed, being condemned to widowhood.' Nor is it clear what Mr. Malabari means by the expression 'if she is a minor.' I presume he means to say that no Hindu girl, who has lost her husband during her minority, shall be condemned to remain a widow all her life time if she wishes to remarry on arriving at majority. Like Mr. Malabari I do not approve of the remarriage in either sex under ordinary circumstances. My advocacy of remarriage extends to this, that if a marriageable woman, who has the misfortune to lose her husband, wishes to remarry there should be no legal or social obstacle to her doing so. I do not see why the exemption from condemnation to widowhood should be restricted to a girl if she is a minor. I refrain from entering into the religious aspect of this question as Mr. Malabari has done, and am content with expressing my conviction that those who say widow-remarriage is not forbidden by the Shastras are correct. Leaving the religious aspect of the question aside no rational objection can be urged against the marriage of a girl who has lost her husband and is a major. But to achieve this end I do not think it expedient to ask Government aid, nor do I think, at present at least, it would be wise for the Government to interfere.

I have watched the progress of the widow-marriage cause in the presidency for the last 25 years and have taken some interest in it. I have come in contact with zealots who have preached in its favour, promoted widow-marriages amongst their friends of the same or different castes, and have themselves contracted marriages with widows. I have known persons who have preached and lectured in favour of the cause and freely associated with those who have contracted widow-marriages, but have themselves refused to contract such marriages though opportunities offered; and I have also known persons who have advocated and supported the cause without in any way associating with those who contracted widow-marriages. I knew people belonging to all these three classes in their earlier as well as later stages. I have seen them bravely weathering the storm and I have seen them cooled and altered, and I have come to the conclusion that the Indian society in this presidency at least has not come to that condition when it can fairly call upon Government aid, or when it would be wise for the Government to give them aid. The religious prejudices of the masses are yet very strong. The attempts of the enlightened at reformation are yet very feeble. Unless the people are in a condition to benefit by the aid, I would not recommend that it should be invoked, and I do not think that the people are yet in such a condition. People, who have married widows, whether belonging to a superior or to an inferior caste in which the marriage of widows does not prevail, have been excommunicated and have been living under great social difficulties. The dry sympathy of reformers has not tended much to alleviate their sufferings. Notwithstanding the fact that a great advance has taken place in the ideas of people on this subject, a greater advance must be made before Government aid ought to be invoked or would be useful. The motto of reformers for some years to come must be agitation and discussion by means of organized bodies in every part of India. The subject must be brought home to the old and to the young, to the orthodox and to the heterodox. Constant familiarity with the question and the evils of prohibition of the marriage of widows must in course of a little more time lead to a healthier and better state of things. Till then arrangements to ascertain whether a widow has adopted perpetual seclusion voluntarily or by force and complaints of widows to the authorities of social ill-usage will, I fear, prove vexatious and futile. Any interference of Government to prevent excommunication of the relations and connections of the parties contracting widow marriage will be misconstrued and misrepresented and will produce no beneficial result. The Government have no machinery by which they can effectually prevent the evils of excommunication from castes. Without legislation Government cannot interfere with caste questions, but if they were to legislate and interfere in the matter of an expulsion from caste they would simply create unnecessary disaffection without succeeding in preventing expulsions or softening the rigours of an expulsion. This is one of those matters which an alien Government professing quite a different religion cannot satisfactorily deal with. The questions of sati and infanticide were dealt with as crimes and stood upon quite a different footing. No amount of eloquent appeal will clothe the question of widow marriage as such with a criminal aspect. The time has not come when the Government can successfully rescue the widow from the thraldom of deep-rooted superstition by means of fresh legislation. I would here beg leave to draw the attention to sections 350, 352, 109, 89 and 90 of the Indian Penal Code. I think that the provisions of these sections are quite sufficient to put a stop to the forcible shaving of women, who have the misfortune to lose their husbands, provided the people themselves have the courage to invoke their aid. Section 350 says 'whoever intentionally uses force to any person without that person's consent, * * intending by

the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to another;' and section 352 makes the use of criminal force punishable with imprisonment up to 3 months, or a fine up to Rs. 500, or with both. Section 109 makes the abettor punishable likewise. No child under 12 can give a valid consent and no parent or guardian can consent on her behalf in order to the committing of an offence under sections 89 and 90. So that if a clear case of shaving against a woman's consent be made out the offender and abettor are rendered punishable by the existing law. All that is required is a discreet invocation and enforcement of the law. The prevention of the cruelty of shaving is regarded, and I think rightly, as a substantial step in advancing the cause of a widow marriage. It must, however, be admitted that there are great difficulties in the way of going to law. The task of ascertaining whether the consent to shave is given voluntarily or otherwise would be stupendous. Perjury would be unscrupulously resorted to in torturing the woman's inclination into her voluntary consent. I should, therefore, not be disinclined if the Government made fresh section 351 by declaring that 'no Hindu widow under the age of 25 should be deemed to have given her consent to shave unless it be in writing signed or marked by her before a Magistrate and attested by the latter.' I think the people are to a certain extent prepared to view such a measure with secret approbation, if not more, and Government might properly aid the cause by its introduction.

I have also the misfortune to differ from Mr. Malabari on the question of establishing a national association for social reform. He gives a rough sketch of the proposed association in a circular letter, dated 21st November 1884. I do not think that an association composed of Christians, Mussalmans, Parsis and Hindus can do much to improve the marriage laws and customs prevailing in the different castes of the Hindu community or can promote effectively the cause of widow marriage in India. Free discussion in such an association is, I fear, apt to give offence to the orthodox, whose sympathy and co-operation must be secured. I advocate the establishment of an association on the model of the Hindu Women's Remarriage Association of Madras, which is composed only of members professing the Hindu religion. Under the presidency of Dewan Bahadur R. Raghunathrao, Deputy Collector of Madras, this association is doing useful work. It periodically meets to discuss the widow marriage question in its various aspects and promotes widow marriages. At the end of this month it is going to hold a conference at which the association has invited the presence of sympathizing Hindus from the sister presidencies. The following will be among the subjects to be discussed :—

1. Is any help from the legislation necessary?
2. Is it prudent to seek it?
3. What can be done without such help?
4. How to meet successfully the persecution of the priests?
5. Is any religious education necessary to counteract such persecutions?
6. How to make our views and expositions of law reach the females?

I should like to see an association of this kind established in Bombay and in the large and small towns in the presidency under the leadership of influential Hindus and discussed these and kindred questions. The association should make it a point to invoke the assistance of Hindu princes, for what they can do in this respect the Paramount Power professing the Christian religion cannot do. The Scindia, the Holkar and the Gaekwar, if so disposed, can introduce widow marriage in the highest castes in their territories far more successfully than the British Government in British India. The proposed association of Mr. Malabari can hardly be a responsible body of members feeling the same difficulties. The Parsis can never fully understand Hindus and *vice versâ*. The aims laid down by the association are much too extensive and I fear it can achieve but little practical result. It may, however, succeed in encouraging the Hindu community in organizing caste associations for the suppression of the evils complained of and introducing measures of reform suitable to the necessities of each caste. If it does succeed so far it will, in my opinion, achieve an immense deal of good to the country.

The Press of India, Anglo-Indian and Native, can do much to further the widow marriage cause. Every Native newspaper and periodical should consider the discussion on this question as one of its chief functions. It can bring to light local sufferings. All that is desired to be effected by the four suggestions of Mr. Malabari can, I think, be achieved by the Press without Government interference.

From PANDIT NARAYAN KESHOW to the Under-Secretary to the Government of Bombay, General Department,—dated the 15th December 1884.

Having bestowed some consideration on the question of Hindu remarriage, the result of which has been the publication by me of a poem in Marathi, in which all the points advanced by the orthodox against the cause have been fully met by a reference to ancient authorities, I shall thank you to send me a copy of the paper containing Mr. B. M. Malabari's suggestions on the subject, above-mentioned, in order that I may give my humble opinion thereon.

I may mention that the aforesaid poem has been patronized both by His Excellency Sir James Fergusson, K.C.M.G., and the Most Honourable the Marquis of Ripon, K.G., Viceroy and Governor General of India.

I would also beg to suggest that the copies of the above suggestions should be forwarded to all Samajs in the Bombay Presidency and the Widow Marriage Association, who have evinced for the last 16 years an intelligent interest in the discussion of the question now adverted to.

Tirmal Rao Venkatesh's Report, dated 30th December 1884, on Infant Marriage and Enforced Widowhood, made as directed in the Government Order No. 4164, dated the 13th November 1884.

From Mr. TIRMAL RAO VENKATESH, Inamdar at Dharwar, to the Under-Secretary to the Government of Bombay,—dated 30th December 1884.

Acknowledgment of Government order.

I have the honour to acknowledge the receipt of your letter No. 4164, dated the 13th November last, forwarding copies of Mr. B. M. Malabari's paper on "Infant Marriage" and "Enforced Widowhood," and directing me to report my opinion on the proposals therein made. In reply I beg respectfully to state as follows:—

Mr. Malabari's assertions on Infant Marriages generally true and require remedies.

2. *First.*—As regards "Infant Marriage," a great deal of what Mr. Malabari states in his notes marked No. I, is perfectly true and require suitable remedies. The objectionable form of marriage mentioned in the last paragraph of Mr. Malabari's note No. I, *viz.*, that girls of 12 to 15 married to boys of 8 to 10, by the boys' fathers or elder brothers, who may have become widowers, with some criminal object in view, is not known or practised in the Carnatic. No one here would ever think of getting older girls married to boys younger than the girls, for purposes like those alluded to by Mr. Malabári.

His statement in paragraph 10 of note marked No. I unknown in the Carnatic.

Infant Marriages have nearly ruined India. They form no part of ancient Hindu institutions and are of modern growth.

3. It is true that infant marriages have already ruined Indian societies to a very great extent, and, unless put a stop to, will do more harm. They, infant marriages, form no part of the ancient Hindu institutions at least as regards boys. They are of modern growth, having been generated in the whims of females, belonging to rich families, who not only put up, but compel, their male members to bring about infant marriages, for reasons shown below, and the priests take good care to assist them in the work, in the hopes of getting good dinners and presents during such ceremonies and otherwise increasing their influence. The poorer classes of people follow the example set down by the rich, but on smaller scales.

Ancient Hindu books speak of marriages among adults, but not among infants.

4. Hindu religious and historical books such as the eighteen Puránas, Bhárat and Rámáyan give detailed accounts of several marriages contracted between adult men and women, some of which are called *Swayamvarás*, or marriages contracted after the brides themselves had selected their respective husbands. I do not positively assert that no cases of infant marriages are recorded in the above books. If there be any, they must be very few indeed, as neither I nor any of the Pandits with whom I have spoken have come across any of such cases.

Age of marriage among Brahmans.

5. The general Hindu Law, as expounded in the Dharmasindhu, is that the "*moonji*," or the religious thread-girding ceremony, should be performed on Brahmans, or boys of priestly class, between the ages of 5 and 8 years. Under extraordinary and unavoidable circumstances it might be postponed up to 16 years of age, but such cases very rarely or never occur. When the moonji is performed, the boy becomes a *Bramhachary*, *i.e.*, he is entitled to perform religious ceremonies. This state is to last for 12 years. During which he should study the four Vedás, six Shártrás, eighteen Purános, Bhárat and Rámáyan, or at least portions of them. He then becomes fit to be married.

Tchetrias and Vysias.

6. Among Tchetrias or warrior class, the moonji is to be performed ordinarily between the age of 11 and 12 years. In unavoidable cases it may be postponed up to 22 years. In the cases of Vysias, the ceremony is to be performed between 12 to 16 years of age, it being allowed to be postponed till 24 years in unavoidable cases. In both the classes of Tchetrias and Vysias the state of Bramhachary is to continue for 12 years after the moonji is performed.

Age of marriage among the three classes ordinarily.

7. In ordinary cases the marriageable period of a male Brahman is about 20, that of a Tchetrias 24, and that of a Vysia 28 years. These are proper ages for a man to marry.

Soodras not bound by similar rules.

8. As regards Soodras and all other persons of lower degrees, no moonji or thread-girding ceremony is to be performed and they are not bound by any rules like the above.

Limit of the age of girls' marriages fixed by ancient Hindus. It nearly agrees with the 5th description of offences under section 375 of the Indian Penal Code.

9. As regards girls, the proper age prescribed for the marriage of Brahman, Tchetria, and Vysia classes is between 6 to 8, but never under 6 years of age. To get them married between 9 and 10 years is middling, and between 11 and 12 undesirable. The girls may, nevertheless, be married after 12 years of age, but upon undergoing certain penances. A girl is called gowri or a young girl up to 8 years, and Kanniká or marriageable virgin up to 10, and above that period, she is known as a "*Rajaswala*" or as having entered womanhood. This idea of the ancient Hindus, as regards the age of a girl, when a man may have sexual intercourse with her, is in accordance with that expressed in the fifth description of offences under section 375 of the Indian Penal Code.

Marriage of girls immediately after attaining puberty.

10. If a girl were to attain her puberty, *i.e.* commence to get her monthly sickness before being married, her parent and brothers go to hell, as it was their duty to have got her married before that period. A girl attaining her puberty before being married, is considered to be वृषला "*Vrishalá*" or a Soodra woman. In such cases, the parent and brothers of the girl should give in charity a cow, and feed a few Brahmans for each time that she may have got her monthly sickness before marriage. As regards the girl herself, she should fast for three days, drink some cow's milk, and give some gold ornament in charity to an unmarried virgin. The girl then religiously becomes pure to be married. The person who wishes to marry such a girl should perform the sacrifice called "*Kroshmand*" and then marry her. When these rules are observed, the girl, her parents, and the person who marries her, are respectively freed from the sins; the first, of attaining puberty before marriage, the second, not getting her married till then, and the third of marrying her after such an event.

Their marriage three years after attaining womanhood.

11. If the father, paternal grandfather, brothers and other paternal male relations, maternal grandfather, maternal uncle, or even the own mother herself of a girl, does not get her married for 3 years after her commencing to get her monthly sickness, she, the girl, is at liberty to choose a husband for herself.

A man's marriage with a 2nd wife, during the life time of the first, prohibited, except under certain circumstances.

12. As regards a man marrying another woman during the lifetime of his first wife, chapter 46 of the Hindu Shastra entitled Vishnu Rahasia, directs that unless a husband satisfies the carnal desires of his wife, he will become a worm in human excrement, and that as a husband may not be able fully to satisfy her carnal desires, although she may have given birth to ten or more children, it is sinful in him to marry another wife, during the life-time of the first. The Dharmasindhu, however, states that a man may, during the life-time of his wife, marry other wives under any of the following circumstances. If from the time of the first wife's commencing to live with her husband, (1) she bears no children for 10 years, (2) or bears only girls up to 12 years, (3) or if all her children die up to 15 years, (4) or if she always quarrels with her husband and practises immorality.

Should he be obliged to marry a 2nd wife, he must support the first, and perform all religious ceremonies with her assistance alone.

13. When a man is obliged for any proper cause to marry another wife during the life-time of his first, he must first make over to the latter one-third of his self-acquired property, or if he has no property he must make some provision for her maintenance. Even after marrying another wife, he must perform his religious duties with the assistance of the first wife, but not with that of other wife or wives.

Sale of girls 12 or 13 years old to old men, and the practising of polygamy against the Hindu Laws.

14. So much for the general laws on the marriages of Hindus. I will now state what the present practice is. In many instances poor girls are allowed to grow unmarried up to 12 or 13 years of age and then *virtually* and *actually* sold to highest bidders, who are old men above the age of 50 years. I will also state how infant marriages are brought about,

and polygamy has crept in, all against the Hindu Shastras, and yet the guardians of the Hindu religion take no notice of such events and do not punish the offenders as they deserve.

15. Although the rule is that girls are to be married under 8 years of age, and that a dowry called वरदक्षणा *"Varadashana,"* or a marriage portion, is to be given to the bridegroom, yet many poor people allow their girls to grow up to 12 or 13 years of age. They wait for the wife of some rich old man to die, and then virtually sell their girl to him for a sum equal at about the rate of one hundred rupees for every year of the girl's age. If the girl happens to possess personal attractions, and the old man is rich, the price is increased. For fear, however, that the seller and purchaser might be punished, the one for selling, and the other for purchasing, the girl, the money paid to the girl's parents is not called *purchase-money*, but an ordinary *present*. The old man then marries the girl, loads her with ornaments and fine clothes. Long before two or three years pass away, he dies, and the children of his former wife, strip the young widow of their old father of all her ornaments and clothes, and put her out of the house. If the young widow be a virtuous women she earns her livelihood by begging, or working for hire as a menial servant, or sometimes sues her step-children and gets a small maintenance. But if she be not virtuous, she commits adultery, becomes pregnant, gives birth to children and kills them. It is rarely that she is found out and punished.

Details of sales of girls 12 or 13 years old, and their ultimate treatment.

16. Boys and girls under the age of 10 years have no idea of what marriage means and what its consequences will be, and do not express any wish to be married. They only know that they are well dressed and fed and led through several processions of music, dances of dancing girls, fireworks, &c., and that they are married. It is the parents and especially the mothers, sisters, and other female members of the infant brides and bridegrooms that really wish that their infant children were married, not so much for the purpose of getting them married but more for the sake of enjoying the fun and pleasure of going through the ceremonies attendant upon the marriages.

Boys and girls under the age of 10 have no idea of what marriages are, and do not desire to be married.

17. I will here give a very short account only of such funs and enjoyments to show how infant marriages have sprung up and taken deep root in modern times. During the week of infant marriages, the practice for the brides' mothers, especially the latter's daughters-in-law, who are not cared for so much as the daughters, as it is thought that if one daughter-in-law dies another could easily be procured, whilst if a daughter were to die she cannot be replaced, and other female members of the family, is to dress and ornament themselves well, and accompanied with torches, country music, and dancing girls, fireworks blowing of the horns, &c., to proceed a little distance from their houses to meet the bridegroom's mother, her daughters, daughters-in-law and other female relations, and bring them home, *i.e.*, to the bride's mother's house. The bride's mother and her followers wash the feet of the bridegroom's mother and her party, make them sit in a clean good and ornamented place and give them good dinners. After that the bride's mother, her daughters and daughters-in-law give some turmeric powder wetted in water, to each of the bridegroom's party, for the purpose of being applied to their hands, legs, and cheeks. The bride's mother and her daughters and daughters-in-law then rub to the hands and necks of the bridegroom's party some sandal wood paste and other perfumes, apply a little red powder to their brows, decorate their heads and necks with flowers, present each member with good betel leaves, nuts, nutmegs, cloves, cardamoms and other spices, in silver trays, and then sprinkle rose and lavender waters on them. The bride's mother likewise presents the bridegroom's mother with a fine robe and an unsewn piece of bodice cloth, and all her followers with an unsewn piece of bodice cloth. All this time dancing girls keep up singing and dancing in front of the bridegroom's party and the musicians continue playing music and beating their drums. At the close of the festival, the bride's mother and her party accompanying the bridegroom's party to their house, leave them there and return home.

Details of the fun and pleasure which parents and other family members of infant brides and bridegrooms enjoy. Domineering attitude of bridegroom's mother and her party. Servile attitude of bride's mother and party.

18. All this time the bride's mother and her daughters and daughters-in-law serve the bridegroom's party as if they were their menial servants. The least inattention on any one point of etiquette causes much offence to the bridegroom's party, and likely provokes quarrels with the opposite party. It is not so difficult to please the bridegroom's mother, as to please her daughters, the daughters-in-law not being cared for so much, for reasons given above.

Further details.

19. Generally speaking in all Hindu families, the daughters consider that they are entitled to domineer over the daughters-in-law, which position the latter do not admit, and say that they are by right the owners of the family, whilst the daughters, having been given away in marriage into other families, have no business to exercise any authority whatever on them, the daughters-in-law. So there are continual disputes of this nature in all families in which there are daughters and daughters-in-law, and the mistress of the house, *i. e.*, the daughter's mother always takes the part of the latter against that of the daughters-in-law. Owing to such enmity, all the daughters in the family of the bride and those in the family of the bride-groom form themselves into one party, and the daughters-in-law in both the families into another, and they get up open quarrels in public assemblies and on public occasions, much to the detriment of the marriage work, and it becomes very difficult for the mothers of the bride and bridegroom to quell such disputes.

Perpetual quarrels between daughters and daughters-in-law.

20. All this is repeated once or twice every day during the marriage week, and on some national feast days during the five years succeeding that in which the marriage took place. The bridegroom's mother and her female relatives are therefore naturally fond of enjoying pleasures of the above description, and induce their husbands and other male members of the family to get up the marriages of their sons, whilst they are young as yet. Such fooleries cannot be practised in the cases of marriages of adult persons.

Period during which the fun and pleasure, as well as quarrels, continue.

21. Brides' mothers and their female relatives are likewise fond of doing all the laborious and menial service towards the bridegroom's mother and her party, and induce their husbands and other male members of the family to get up the marriages of their infant daughters in the hope that when their turn comes as bridegrooms' mothers, they are sure of being treated as respectfully as they now treat the bridegroom's party. The male members of the bride and bridegroom's party engage themselves heartily in furnishing their respective female members with the necessary articles and other assistance that may be required.

Brides' mothers act servilely towards bridegrooms' mothers, in the hope of showing their greatness when they, in their turn, become bridegrooms' mothers

22. The whole fun of the marriage is thus enjoyed by the parents of the married infant couple. It is they that are either pleased or annoyed at the remarks made by one party in favour or against the other, and by the public in general, as to the grand or stingy manner in which the whole work was gone through. In fact the marriage may, in one sense, be called more the marriage of the *parents* of the bride and bridegroom, than that of the bride and bride-groom. The two latter know nothing of what is being done or said, except sitting on the marriage altar at the time of their religious union, and riding on horses or being driven in carriages, when going in procession. At other times they are made to sit or sleep on mats or blankets carelessly strewn on the ground in some dirty and unwholesome room. Generally they do not even get their meals at proper hours. They do not at all therefore enjoy the marriage *fun*.

It is the parents of the infant brides and bridegrooms that enjoy the whole fun and not the infants themselves.

23. When the parents of the bride and bridegroom go through all the marriage fun, their neighbours and friends are stimulated to get up similar marriages in their own families in order that they also may go through similar funs, and do the work better and grander if possible. If boys or girls in their families are not old enough to be married, they pitch upon infants and go through the marriage fun. When rich people act thus, the poor try to follow their practices within their means, and in doing so, squander all their property and even contract debts. By the time the bridegroom and bride grow up and are fit to live together, they will have forgotten all that had taken place at their marriage, and only find that their parents have left them in debt. It is in this manner that infant marriages seem to have sprung up in modern times and taken deep root throughout the country.

Seeing this, others are stimulated to get up other infant marriages. This is how infant marriages have sprung up.

24. No amount of persuasion, education or lecturing will themselves be able to uproot the practices of infant marriages. Even if the educated men of the present days were desirous of putting a stop to infant marriages, it would be out of their power to do so. In marriages, there necessarily are two parties, *viz.*, one of the bride, and the other of the bridegroom. Supposing that an educated person is desirous of allowing his son or daughter to remain unmarried until they are respectively 20 and 12 years old, parties who wish to get their infant daughter or son married to the son or daughter of the educated person, whilst they are still infants, will try to induce the educated person, by persuasion, and promises of large dowries

No amount of education, persuasion and lecturing can put a stop to infant marriages.

and other advantages, to consent to perform the marriages at once. If, however, he does not agree to their proposals, they, the proposing parties, immediately commence operations with the aged father, mother, or other elder members, and even with the wife, of the educated person, and they all together outvote the educated person and get the marriages performed. Supposing there were educated persons in the families of both the infant bride and bridegroom, matters would not be improved a bit, as the elder members of both the families and the mothers of the infant brides and bridegrooms, their daughters and other female members, would do everything in their power, and get the marriages performed, against the wishes of the educated members of their families. In such affairs Brahmin priests do their utmost to stimulate the uneducated members of the families to bring about the infant marriages, in hopes of getting good dinners, presents in money and cloth and other advantages, during the marriages, for nothing can be done without priests.

Marriages of infant girls with old men is very bad and must be stopped.

25. Infant marriages, *i.e.*, marriages between infant brides and bridegrooms are bad and contrary enough to the Hindu law; but when an infant bride is to be married to an old man upwards of 45 or 50 years of age, either as his first wife, or as his second or third during the lifetime of the first wife, either out of necessity or otherwise, matters become worse and it is indispensably necessary to put a stop to such practices at once.

A man may marry a second during the lifetime of the first wife, for purposes of getting sons only.

26. It is in this manner that infant marriages seem to have sprung up in modern times and taken deep root throughout the country. Although marrying another wife during the lifetime of the first is not in all cases strictly moral and proper, yet for the purpose of getting male children, a man having a wife is obliged, under the sanction given by the Hindu law, to marry other wife or wives, for without a son he cannot be saved from hell. If a man so circumstanced were to die, he would leave more widows than one, none of whom is permitted to remarry. But there is no help for that under the present state of the Hindu society.

But not for the sake of pleasure only.

27. But when an old man wantonly marries several wives more for the sake of his personal pleasure than anything else, whilst his first wife is alive, and she has male children, and is obedient to him and virtuous, he commits great sin as regards himself, and injury to all the wives and their children, and to the society in general. If he were to die, he will be leaving several widows instead of only one, which he would have been able to do, if he had married only one wife. Even the youngest of such widows is not permitted to remarry. Thus the number of widows is multiplied for no good or necessary reason.

When old men marry young girls the number of widows are increased.

28. It is in this way that polygamy has crept in. Supposing a man has one or more sons, and his wife dies, when he is more than 45 years of age, he marries a young girl 10 years old, by the time she arrives at puberty, he is more than 50 years old. Taking it for granted that he will live up to 60 years of his age, his new wife will be 25 years old at the time of his death and she will not be permitted to remarry. Such cases increase the number of widows, who are doomed to suffer all sorts of hardships during the remainder of their lifetimes. The evil is increased, in proportion to the old age of the man marrying an infant bride. In many cases it is the young widows of such old men that commit adultery, become pregnant, give birth to fine children and then kill them.

Laws not contrary to Hindu shastras, proposed to suppress infant marriages.

29. Nothing short of stringent legislative enactments can stop infant marriages and all the attendant evils. If Government were therefore to pass laws to the following or similar effect, with such modifications as may be considered proper, they would not conflict with the existing Hindu laws, and there would be no reasonable religious grounds for any one to complain against them. Such provisions would be the means, not only of stopping infant marriages, several kinds of immoral and criminal acts and infanticide, but also of enabling the population to grow strong in health and body and to save a good deal of their money, which is now thrown away in vain shows. In a short time, the people would fully appreciate the advantages of such new enactments, which will not be contrary to Hindu laws.

From and after the 1st of January 1886—

I.—No boy, until he is 20, and no girl until she is 12, years old shall marry or be married.

II.—No man shall during the lifetime of his first wife marry nother woman, unless the first wife has not borne any children up to 10, or has borne only girls up to 12, or all of her children have died up to 15, years from the time of her commencing to live with her husband; or it is proved that she has committed adultery. Even then he is to make full provision for the maintenance of the first wife, such

provision not interfering with, or extinguishing, her personal rights, as well as those on her husband's family and property either before or after his death.

III.—No man, who may have one or more sons, and whose wife has just died, and who has passed the age of 45 years, shall marry a virgin girl, unless he leaves a written permission, permitting, in case of his death, his new wife to remarry some other person, if she be minded to do so, provided that he may remarry a widow of any age, for in case of his death, she will be at liberty to marry again if she be minded to do so.

Laws not contrary to Hindu Shastras, proposed to suppress infant marriages.

30. The two first rules are not contrary to the existing Hindu Law and there can be no reasonable religious or other ground for any one to raise any objections to such provisions.

Laws not contrary to Hindu Shastras, proposed to suppress infant marriages.

31. That part of the 3rd rule, which provides that permission should be given to the newly married infant virgin wife to remarry, if she be minded to do so, in case her husband should die, is rather a novelty, but such a provision would, in a great measure, prevent old men from remarrying infant virgins out of the shame attaching to their allowing infant virgins to remarry other persons in the event of the old husband's death, and in course of time reduce the number of widows, and lessen much of their sufferings.

Note No. II.

There is great difficulty in handling the subject of Enforced widowhood.

32. *Second. "Enforced Widowhood."*—This is the more difficult of the two subjects "Infant Marriage" and "Enforced widowhood." Laws may as detailed above be enacted by the Legislature to stop infant marriages, and thereby reduce very considerably the number of widows throughout India, without acting contrary to Hindu Laws or offending the religious feelings of the Hindu population, and they could have no reasonable grounds to complain against such a measure. In course of a short time, they will themselves see the advantages of the new laws, not only with regard to the marriages themselves, but also with respect to the expenses, fooleries, other evils attendant upon infant marriages. But the subject of enforced widowhood is very difficult to handle, under the present state of society.

Enforced widowhood against the wishes of the widows is the chief source of misery to them.

33. There is a native proverb to the effect that when a person is actually sleepy, he may be awaken; but when he shams to be so, there is nothing that can be done to awake him, for he is not actually sleepy. Such is the present condition of a large portion of the Hindu society as regards widow remarriage. They are fully aware to the cruelty and hardships of enforced widowhood, and privately wish that the young widows might be remarried, and yet they have not the courage of openly declaring their private wishes and getting the young widows remarried. Enforced widowhood is certainly the source of the greatest misery to Hindu widows whether infants, young or old women, and to their parents and other members of the family. Their social sufferings are so great, and the circumstances have been so clearly exposed elsewhere, that it is not necessary for me to recapitulate the same here. Anything that can possibly be done to remove the religious restriction that now exists of the remarriage of such of the Hindu widows as are willing to be remarried, would be hailed most cheerfully by them and their male and female relatives.

Report made on enforced widowhood in 1837, by Rao Bahadur Venkat Rao, Principal Sudder Ameen.

34. In 1837 the then Sudder Adawlat called upon the District Judge of Dharwar to report "whether there would be any objections to a law, which should authorize the remarriage of Hindu widows." That officer directed my late father Rao Bahadur Venkat Rao, at first Sudder Ameen of Belgaum, and afterwards Principal Sudder Ameen of Dharwar, to offer fully and candidly his opinion on the subject and he made a long report stating that the Hindu society was divided into four great divisions, *viz.*, Brahmans or the priestly class, Tchetrias or warrior, Vysias or traders, and Sudras or the servile class; that remarriages of widows were not permitted in the first three classes, but that they were, to a certain extent, in the 4th class. He also exposed the immoral and shameful conduct of a young Brahman widow with her stepson at Shapur, a village belonging to the chief of Sangli, and concluded by saying that any provision that might be made by the Legislature to prevent such a state of things would be welcomed. The report was fully approved of by the District Judge and sent on to the Indian Law Commission through the Sudder Adawlat.

Fifty years ago it was difficult to speak upon the subject; but now discussions are freely held both among men and women in large towns.

35. Ever since then I have been of the same opinion as my late father, *viz.*, that there should be no restriction as to Hindu widows of all classes, remarrying, if they be minded to do so. I have all along been watching public opinion upon the subject. About 50 years ago, one could hardly talk upon the subject with priests

or others, especially with females, without giving them the greatest offence. Bnt now matters have changed. Most of the men educated in the English schools and colleges are freely desirous that remarriages should be introduced and speak openly upon the subject. Uneducated elderly men at large stations, such as the head-quarters of the different Districts, also speak freely upon the subject, and inwardly wish that remarriages of Hindu widows were introduced. Even several women, both old and young, have commenced to think seriously upon the subject and almost one-half of them privately wish that the present barbarous practice of enforced widowhood, especially of young women, might be done away with. But none dare, out of modesty and shame, to declare their opinions or free themselves of the obstructions, for fear that, by doing so, they might be excommunicated.

Present state of enforced widowhood.

36. There is no doubt that several widows are virtuous. The rest practice good deal of immorality. I do not think that one-fourth of the offences of the latter are brought to light and punished as they deserve. I will here give two instances of such offences without however giving the names of the parties. *First* a rich and influential landholder, holding a very responsible public employment at B, had married four wives one after another. At the time of his death, the fourth wife was a young woman. As she could not agree with the children of the first three wives, she left B, came to D, and lived in the house of a priest, who also belonged to a most respectable family of the holy order. An illicit intercourse commenced between the widow and the priest and she was far advanced in pregnancy. The priest took her to H, to get the pregnancy removed. The medicines given were of such violent a nature, that soon after the abortion took place, she got dangerously ill and died. The bodies both of the deceased child and the woman were quietly disposed off. The matter got noised about in the town but was soon hushed up. *Second.*—The daughter of a rich merchant towards the extreme east of the Dharwar District, who had become a widow, somehow or other became pregnant, gave birth to a child, and murdered it, but continued to live in her father's house. The townspeople came to know of the affair and excommunicated the widow and her parents, the former for committing the offence, and the latter for harbouring her. At last the matter went before the chief priest or swami of the caste and he exacted a fine of fourteen hundred rupees from the father of the widow and re-admitted them into caste. Notwithstanding, no one up to now drinks any water or eats any food from the hands of the widow. Both the above events took place within the last 10 or 11 years, in the District of Dharwar. The only wonder is that the offending parties were not criminally punished.

Many widows would be glad if the religious restrictions against their marriage were removed, but are afraid to say so openly.

37. Many of such widows, their parents, and relations, would really be happy if young widows could be remarried. But no one has the courage of openly saying so and bringing about their marriages.

State of widow in the interior of the district.

38. In the interior of the districts, there are a large number of priests. In almost all large villages a priest sits in some temple or other and reads religious books and expounds them for a couple of hours every day. Of the listeners that flock round the priest, about 75 per cent. are old and young widows, and the rest men and women having husbands. After listening to the recitation, each listener, especially the widows, presents the priest with a handful of rice or other grain, or a pice, or a little clarified butter, and a few wicks to be burnt in the lamps of the temple, or something else. The provisions so received are sufficient to maintain the priest and his family throughout the year. When the priest finishes reading a book, or a number of its chapters, he wishes to give a grand dinner in honour of his having done so. Such dinners are called *"Mangalas."* All the listeners and the townspeople subscribe money or provisions and the dinner is given. On such occasions the poorer women, especially widow, go and cook and bring water gratis. Some of such priests are said to be in league with some one or other of the widows, and much mischief is done by both of them.

The widows there have no means of publishing their grievances.

39. To counteract all this, there is nothing in the interior of the country. Educated men, newspapers, books and lectures are all confined to the head or other large station of the district. The widows in the country hear nothing of the discussions that are going on at the principal stations regarding remarriages of Hindu widows and do not know that if they be minded to do so, they could remarry without losing any of their personal rights, unconnected with the families of their former husbands. All their knowledge is confined to what the priest tells them is written in their religious books. The women, especially the young widows, have no means of expressing or communicating their thoughts and wishes to the authorities, or to the public, neither have the educated men, nor those that desire to see remarriages of Hindu widows introduced, in the interior of the country, any means of communicating their enlightened views to the widows

and in return of ascertaining their wishes. Government have thus no means of knowing the real and heartfelt views of many of the widows and the public in general, in the interior of the district.

Hindu shastras are not well studied by the public.

40. When an orthodox Brahman is asked for his opinion upon the subject of the remarriages of Hindu widows, he at once says that they are against the shastras or his religious books, and cannot therefore take place. But is he prepared to say that the Hindus have, or even he himself has, always acted up to the shastras, and that they have, or he has, never transgressed any of the directions of the shastras? I am afraid he will not be able to answer the first question in the affirmative, and the second in the negative. Most of the orthodox people, I am afraid, are not well versed in their own laws, and their opinions are grounded on what they hear from the priests.

Discussions on the state of the shastras.

41. Admitting for a time that the Hindu laws do not generally permit of remarriages among Hindu widows, the questions that arise are who were the law-makers, what authority they had to make the laws, when they were made, and over what extent of country each law was to have its force? These questions, I am afraid, cannot be easily or satisfactorily answered. The law-makers, whoever they were, and whatever authority they may have had, are now known as "*Rooshees*" or sages. The opinions of all such sages are not exactly alike. They vary considerably, and some are contradictory to those of others. Each sage must have given what opinion he thought was proper for the time being. It cannot now be ascertained which opinion was given first, and which afterwards, so as that the last might be followed, upon the supposition that when it was discovered that the earlier ruling did not work well, it was found necessary to alter them, and to enact new ones. It is not also known what sage had what authority or jurisdiction to make the laws he made, or over what extent of country each law was intended to have effect.

Discussions on the state of the shastras.

42. At present, one party takes up the ruling of one sage, and another that of the sage whose opinion is adverse to the first, and they go on fighting about the matter, without coming to any satisfactory settlement. When the matter comes before European lawyers, consisting of Judges on the bench, and barristers in the bar, they, after searching for all the rulings of the ancient sages that they can get hold of, become quite confused and do not know which ruling and of what sage they are to follow.

State of Hindu shastras compared with that of the Regulations and Acts.

43. At present Regulations and Acts are passed by the Government of India and by the subordinate Governments. When one enactment is found not to work well, it is rescinded, and a new one made. But care is taken to number and date every enactment that is passed and to define the extent of territory over which it is to take effect. When one Regulation or Act is found to be contrary to another, their date and number will at once show which of them is the earlier and therefore a repealed one, and which is the latter or the one that is in force.

State of Hindu shastras compared with that of the Regulations and Acts.

44. Supposing the *dates and numbers* of all Regulations and Acts passed up to now by the Government of India and all the Local Governments, together with the different *sections* in them, repealing former enactments, and stating the extent of country over which each enactment was intended to have force, were effaced, and the bare enactments, many of which are contrary to others, placed in the hands of lawyers, who may in no way be personally acquainted with the order and arrangement of the Regulations and Acts, they would become quite confused and would not know which Regulation or Act was rescinded and which was in force; and yet the counsel of one party would take hold of one enactment, and that of the adverse party a contrary one, and the Judge would be at a loss as to which of the two enactments he was to follow, and there would be confusion everywhere.

State of Hindu shastras compared with that of the Regulations and Acts.

45. Such is exactly the state of the present Hindu law books, some of which are contrary to the others. One party holds that the remarriage of Hindu widows is absolutely prohibited by certain Hindu shastras, and the opposite party contends that another Hindu law permits the remarriage, and so they go on fighting without being able to come to any decision. If the Legislature were to collect all Hindu law books, examine them, and declare which of them are to be acted upon, which modified and which rejected, it would be conferring a great benefit to the country, and there would then be no disputes of this nature. Many native pleaders are of this opinion.

Insufficiency of the provisions of Act XV of 1856.

46. It might be said that the Legislature has already passed the Act No. 15 of 1856 to remove all legal obstacles to the marriage of Hindu widows. But that enactment is not at all sufficient for the requirements of the present state of the country. The Act contains 7 sections. The first of which merely legalises marriage of Hindu widows and there it stops. Sections 2, 3, and 4 declare what

rights a remarried widow loses, and section 5, what she retains. Section 6 declares that the ceremonies which now constitute a valid marriage, shall have the same effect on the remarriage of a widow. Such cannot however be the case in practice. The provision is not at all sufficient.

The same illustrated.

47. I will here illustrate the difficulty. In all marriages some one must give away the bride to the bridegroom. Supposing the father of an unmarried bride belongs to the Gotra or family stock, A, which must necessarily be different from that of the bridegroom, say B, he, the father of the bride, or other person officiating for him during the marriage, would formally give away the bride to the bridegroom. As soon as the marriage is completed, by performing the ceremony of *Saptapadi*, or the treading of seven steps near the marriage altar, the bride's father loses all his control over her body, and she joins the stock B. If the bride were to become a widow, and she is inclined to be remarried, who is to give her away at her remarriage to the new bridegroom belonging to another family stock say ट? If the father, as in the case of the first marriage, in accordance with the provisions of Section 6 of Act XV of 1856, the difficulty arises that the father has already given away the bride into the family stock of B, and she continues to be in that stock, until she withdraws from it and reverts to the family stock A. Therefore the father of the bride, or other person officiating at the marriage, has no power to give away the widowed bride, belonging to the stock B, into the new family stock C, to which the new bridegroom belongs. Who is then to give away the widowed bride into the stock ट? If the bride herself, how can she give herself away into family stock ट from her late husband's family stock, which she has not formally left as yet? These, and such other difficulties, remain to be solved. Therefore section 6 does not provide full provisions to meet cases of the nature just described.

The Act requires to be modified.

48. Section 7 contains several paragraphs. Paragraphs first and second, and the first part of the third, virtually nullify the provisions, made in the first section of the Act, inasmuch as no father, much less any other paternal male relative, will, under the present state of the society, give his consent to the remarriage of a young widowed bride who has not attained her full age, although she, being 12 or 13 years old, may be willing to remarry a second husband. This section therefore also requires some modification.

Infant marriages take place chiefly in rich families.

Infant marriages take place mostly among the rich, and not to that extent among the poorer classes.

Discussions held at Madras in 1884 regarding the marriage of Hindu widows.

50. During 1884, several influential Brahmans, such as Raja Sir P. Madhavras, Dewan Bahadur Ragunathrao Chanchalrao, the Dewan or Daftardar to Board of Revenue at Madras, and others, attempted, under the authority of certain passages in the Hindu Shastras, to introduce remarriage among Hindu widows, but the orthodox party, who are equally strong, opposed the attempt. The dispute was then referred for adjudication to His Holiness *Sree Sattiaveer Swami*, the Chief Priest of the Madhva Sect of the Kyshnava Brahmans, and he decided that according to the existing Shastras, remarriages could not be performed among Brahman widows. I hear that the party wishing to introduce remarriages are not satisfied with this decision, and that the whole of the proceedings are now being published at Madras. So there is at present a great move upon the subject there.

Extent of widowhood generally in the Bombay Presidency.

51. On a reference to the Imperial Census Returns of 1881, it appears that out of the total population of 16,454,414 souls in the Bombay Presidency 12,307,773 are Hindus. These are distributed as follows with reference to marriage :—

	Males.	Females.
Never married	2,860,620	1,771,956
Married	3,095,205	3,120,142
Widowed	335,464	1,124,786
Total	6,291,289	6,016,484

Number of young Hindu widows under the Bombay Presidency of all classes.

52. With the unmarried and married males and females and widowed males, who may remarry if they please, we have nothing to do in considering the subject of enforced widowhood. The number of 1,124,786 widowed females consists of all classes of Hindus. In the absence of actual figures, it might be assumed that three-fourths, or 843,590 of them, belong to Soodras and other lower classes, among whom widow remarriage is permitted. With these also, therefore, we may have no concern. It is with the remaining widows belonging to the classes of Brahmans and their followers, among whom remarriage of widows is not permitted at present in the Presidency of Bombay, that we have to deal.

53. Assuming that one-half of such widows, or 140,598 is above the age of 40 years, and do not care much about being remarried, there remain 140,598 more Hindu widows under that age. These must necessarily have been born since the British Government took the administration of the different parts of the country into their own hands between about 66 to 100 years ago. It is the bounden duty of the Government to see that they are treated according to their free inclinations and not against their will and according to the Shastras enacted some two or three thousand years ago by the sages of those days agreeably to the requirements of those times. There is no authority to say that all the widows under the age of 40 years wish to be remarried. There is no doubt that many of them are desirous of leading a celibate life, and they should by all means be allowed to follow their own inclinations; but it would be a great hardship on the rest to oblige them also to undergo enforced widowhood during the remainder of their lives, merely because some widows desire to lead celibate lives.

Young widows above, and under, 40 years of age considered. Government to take measures to give force to the free inclinations of widows.

Had Government not forcibly put a stop to infanticide and self-immolation of widows, or "*Satti*," thousands and thousands of female infants would have been murdered in cold blood, and several widows would have immolated themselves by this time. The subject now under consideration is, as if it partially were, only a continuation of the work of suppressing infanticide, in the way of preventing immoral widows from killing their illegally begotten children, by permitting them to remarry if they be minded to do so.

Government have suppressed infanticide and self-immolation. Preventing enforced widowhood is, partially as if it were, a continuation of the work of suppressing infanticide.

55. No amount of education, persuasion, and lecturing will be able to improve matters. Unless the Legislature takes the matter up into its own hands and makes suitable provisions matters will continue to remain as they are at present.

No amount of education can improve matters, unless the Legislature makes suitable provisions.

From VENAYEK WASSUDEU, to the Secretary to the Government of Bombay, General Department,—dated the 31st December 1884.

I beg to acknowledge the receipt of Mr. Acting Under-Secretary Symonds' Circular No. 4164, dated the 15th ultimo. I have carefully perused Mr. Malabari's papers on "Infant Marriage and Enforced Widowhood." In my humble opinion education alone will bring about those changes in the social fabric so highly desirable, nay necessary, and any interference on the part of the State may provoke opposition to the reform which is at present slowly but surely in progress. Act XV of 1856 is quite sufficient to protect widows inclined to remarry. When female education is better developed the progress of social reform will be rapid and remarkable. According to my information there is now a considerable decrease in the number of infant marriages as compared with past years, and the number of widow remarriages is also slowly but steadily increasing as prejudice gives way to the march of enlightenment.

From BHIKAJEE AMROOT CHOBHE, Esq., Assistant Surgeon, Poona, to the Acting Under-Secretary to the Government of Bombay, General Department,—dated 5th January 1885.

With reference to your letter No. 4164 of 1884, General Department, dated 13th November 1884, forwarding a copy of the paper on "Infant Marriage and Enforced Widowhood" by Mr. B. M. Malabari of Bombay, and requesting my views thereon, I have the honour humbly to submit them, with a hope that they will meet with His Excellency's favourable consideration.

Infant marriages of girls among the Hindus are at present rare, and the system is dying out of itself; the progress of civilization under the enlightened and benign Government of the English though slow is certain, and cases of unmarried girls of 9 or 10 are not uncommon, and in poorer families, even of Brahmins, it is not rare to see girls allowed to grow up to 13 or 14 before marriage. The evil is slowly but surely giving way, and there is no necessity of any State interference. Indirect interference in the way Mr. Malabari has suggested would be a hardship, and many marriages contracted by parents of minors for convenience would entail upon them—minors—punishment which would be perfectly undeserved.

The practice of giving girls in marriage to old, beggarly, or illiterate persons for pecuniary considerations is a bad one; it prevails only among the disreputable poor classes of Hindus, and does not find favour with respectable persons in the community. It cannot therefore be looked upon as an established custom. It is pernicious, but I do not know how the State can stop it, for the so-called sale of girls is a clandestine proceeding of which the buyer

as well as the seller, however low his character and position in society, is equally ashamed, and the transaction is kept secret from friends and even the near relatives of the contracting parties. The sale of a girl among the Hindus is an act looked upon as sinful in the highest degree. It is as heinous as using the flesh of the sacred cow.

Remarriage of widows among the Hindus is the rule, and its prohibition the exception and confined to small sections of the community, as the Brahmins, some sects of the Banias, Sonars, &c. Among the Brahmins, Banias, &c., of late several remarriages have been consummated and are being consummated, and the orthodox, though they avoid to associate with, do not excommunicate or in any manner persecute the remarried couples. In the first remarriage among the Brahmins—the first on this side of India—which took place some 14 years back in Bombay, there was excommunication, but I have not read or heard of a repetition of any such thing since, though several remarriages have taken place.

The proportion of Hindu widows as compared with those of other castes is only a trifle higher, as will be seen at a glance by a reference to the Census Report of 1881 by Mr. W. C. Plowden. From that report the proportion of widows under 30 years of age per 1,000 of the population is seen to be:—Hindu $11\frac{1}{4}$, Mahomedan $8\frac{1}{3}$, Christian $4\frac{1}{3}$, Jain $8\frac{1}{3}$, Parsi $5\frac{1}{3}$, Brahmo $12\frac{1}{5}$, and the proportion of widows of all ages per 1,000 of the population is, Hindu $85\frac{2}{3}$, Mahomedan $79\frac{9}{10}$, Christian $46\frac{7}{9}$, Jain $64\frac{11}{12}$, Parsi $73\frac{3}{5}$, Brahmo $47\frac{10}{11}$. If in communities in which remarriage is an established institution, the number of widows nearly equal that among Hindus. It cannot, at least in the case of majority of widows, be said that widowhood is enforced, for many widows, though they have the option, but from one reason or another do not remarry. The proportion of those among whom a prohibition exists is very small, and is rendered still smaller by the fact that many of these would not have remarried even if no prohibition had existed. Mr. Malabari has greatly exaggerated the evils. They do exist to some extent, but are not of a magnitude that would not admit of their being allowed to die a natural death. An enactment already exists which secures to the widow and her offspring the right of inheritance, and any further legislative interference in the matter is, I believe, unnecessary and uncalled for, and if introduced would be looked upon as a direct interference with the religious institutions of the country.

From Mahadeo Moreshwar Kunte, Esq., Poona, to the Acting Under-Secretary to the Government of Bombay,—dated 9th January 1885.

I have carefully read the notes on "Infant marriage and Enforced Widowhood" by Mr. Malabari, sent with your letter No. 4164 of the 13th November last. Reformers, by trying to eradicate the evils complained of in the notes, will necessarily be educated into a patient examination of the social conditions of the community, and into an exact perception of the under-currents of thought and feeling and convictions of the orthodox masses as led by the priests. This is essential to an evolution of a new condition of things. My belief, therefore, is that no legal enactment is necessary, and that reformers, as opposed to the orthodox, should work out the called for reforms without any aid from the State, which cannot assist a small minority, however intelligent and well-informed.

From Mr. Hariparsad Suntokram Desai, of Bhannagar, to the Under-Secretary to the Government of Bombay, General Department,—dated January 1885.

With reference to the letter enclosing the notes of Mr. Malabari, I feel very thankful to His Excellency for giving me an opportunity of expressing my opinion about the advisability or otherwise of adopting the proposals made therein. I have paid great attention to the subject, and considered many matters of detail connected with it, both before and after the circulation of the notes, and my only hope, in stating my view at some length, is that it may help His Excellency to arrive at a decision on the important issues raised by the well-meant labours of Mr. Malabari, which will be both correct in principle, and consonant with the ideas and traditions of my people.

To begin with the first note:—The picture of Hindu married life offered by Mr. Malabari is too deeply coloured. Not being himself a Hindu, his mind most naturally concentrated itself on those points which at the first sight appeared to him of special interest. Thus, though he readily admits that the early union in many cases turns out happy, he goes on to point out consequences which follow only in one case out of a hundred. We know that our colleges are stocked with students, the large majority of which is married, and yet they pursue their studies, and take the degrees in the ordinary way without any particular let or hindrance.

The argument about the danger of our population in poverty is indeed more favourable to his opponents than to himself. If early marriages give an impetus to it, the remarriages which he advocates will go the same way with special force, particularly that he would not wait until education shall have penetrated the masses and produced its ameliorating effects on their condition.

What actually takes place in most cases in Gujrat and Kathiawar is that the parents of the bride select a suitable person and go through the ceremony of वेशवाळ (Veshval) or betrothal. The actual marriage is usually deferred to a future date convenient to both the parties. It often happens that in the meantime the bride and the bridegroom grow up and the religious rites of uniting them cannot in any way be designated "Infant marriage." If, however, they have not come of age, the actual consummation is put off a few months or years as circumstances require, and when the time is ripe the ceremony of आणा वाळवा (Aná válvá) is performed, and from that time the pair live as man and wife. When I say this I am aware that some cases to the contrary do happen every year and attract much attention in newspapers, but if carefully cousidered they will appear to be only very few, and therefore not worth the prominence ordinarily given to them.

If we remember this, it will be easily seen that the second argument about physical deterioration, which Mr. Malabari urges with considerable vigour, does not apply, and the fact that the people of Kathiawar and Upper India generally retain the ordinary strength of constitution becomes explicable.

In the Maharashtra and Northern Canara, which form the other part of the Bombay Presidency, marriages are celebrated early, but the day of consummation is put off sometimes one, two and even four years, to allow the pair to attain maturity. Their physique therefore generally speaking remains unimpaired, and they are able to maintain their traditionary repute for activity and political agitation.

Mr. Malabari himself discusses the religious aspect of the question very cursorily, and I do not wish to go more deeply at this point into it beyond stating that the Hindu marriage is a religious sacrament and not a civil contract. It, therefore, takes the form of a gift of the daughter by her father to the intended son-in-law, and certain sentiments of purity operate to make it necessary that the gift should be complete before her attaining the age of puberty.

In the concluding paragraphs are given two forms of marriages which Mr. Malabari regards as specially objectionable. He will be glad to know that public opinion has in one of them already settled the matter as he would have the legislature to do, and the other is so far from being common, that it is not even general, and his insinuation against those who are directly concerned in bringing about such a match does anything but credit to his taste. As a matter of fact such marriages are very few and far between, and are steadily dying out.

To remedy the state of things which according to Mr. Malabari exists, he proposes—

(1) that the graduates should form associations to discountenance the system of infant marriage;

(2) that the University should not admit the married candidates to its examinations;

(3) and that Government officers should give preference to unmarried candidates over the married ones, the other qualifications being held to be equal.

Of these the first is perfectly harmless, and the young men going out of the University may take their own counsel. The second, however, does not partake of this innocent character. It visits the sins of the father on the head of the son. Suppose a father is obstinate or illiterate, as is very likely to be the case, and he gets the son married in spite of the University regulation. Is the son to be for ever incapacitated from deriving the benefits of the Alma Mater? If so, the reform is surely not worth having. Further, the proposal in my opinion involves a serious misconception of the functions of a University. That body of eminent men aims primarily at improving the intellect of the people, and regards all other ends as secondary to it. To give predominance to the social and secondary over the primary and intellectual end is, therefore, not only subversive of the present understanding of all the learned, but directly injurious to the cause of education itself. It is well known to everybody that the allurements of a degree are very great to the young from motives of worldly gain or otherwise, and to deny them to the proportionately large class of married young men would very appreciably thin the ranks of aspiring students, and put an unsurmountable barrier in the way of the people, who by accidents of birth or otherwise are not under a direct necessity to work for their bread, and in whom the desire for a degree is never stronger than for an ornament, and is likely to disappear altogether if the University dispenses its choicest rewards according to the monastic condition of celibacy.

The third proposal is still further objectionable. It requires the public officers to do exactly what they ought to take care to avoid. The married candidate having, as the popular

phrase goes, given hostages to Mrs. Grundy, is likely to be sober and unwilling to lose his situation. The necessity of providing for wife and children act more upon his mind than on one who has none such to take care of. A bachelor is in many cases a mere bird of passage, and often thoughtless. In selecting him, therefore, a Government officer would be bestowing his patronage on one who is the least fit for it. Such a policy, moreover, diverts public patronage from channels in which it is most likely to be utilized for supporting helpless human beings, and leads it to those in which it can flow only for purposes of amusement, and more usually dissipation.

This finishes the subject of infant marriage, and we proceed to what Mr. Malabari chooses to call "Enforced widowhood." As a matter of fact, however, no external force is or can be employed to prevent a widow from changing her condition. The legislature has, so early as 1856, solemnly declared that remarriage will not only entail any penalties, but will be recognized as legal, and if the people concerned have not yet very extensively taken advantage of it, the explanation is to be found not in the mere moral force of the caste, but also in the ideas of right and wrong, generated and strengthened by a civilization of long standing, inferior it may be, in worldly comforts, to that of the west, but claiming equality with it in the height and moral rectitude of its principles. These ideas when they have once taken root are hard to get over, and I do not know how Government can either directly or indirectly interfere to uproot them, without violating the broad rules which it has established for itself and which have rendered it popular in spite of its foreign character. Mr. Malabari is afraid that unless Government aid is given, the advance hitherto made is likely to be deluged by a "returning wave of fanaticism," which means that he has no confidence in the progressive effects of our daily increasing education; and believes, in spite of the lessons of history to the contrary, that the world can be made by forced legislation and external force to abandon its inherent mode of progressing by action and reaction.

Here again he commits the mistake of looking at marriage as a civil contract; for "Henceforth the widow becomes," says he, "a ward of the State, and has the power, if she have the will, to enter into another honourable *contract*." I have endeavoured to point out above that a Hindu marriage is a religious sacrament and not a civil contract. The point of view to be taken is, not that she is free to choose her own line of conduct, but that having been given once solemnly, and by the performance of religious rites of spiritual efficacy, both she and her father have lost all power over herself, and the person to whom she was given being dead, the possibility of performing any further ceremony is at an end, and all she can do, is, to devote her remaining days to the service of God, and relinquish all thoughts of wordly enjoyment once for all. Whether this view is correct or otherwise, is another matter, but the fact is that every average Hindu takes it, and I do not think Government can possibly attempto change it, without breaking in upon the rule of religion which underlies it.

Mr. Malabari next asserts "And I say that in this matter the people are ready to go a step further." If so, how is it that they have not taken advantage of the celebrated law of 1856? Nay, why did they not make even anything like a combined effort to reap its fruits? Individual action there has been, and a good deal of it. This portion of the note is further directly contradictory to the latter part of the same. He would once have us believe that the small achievements of social progess are in hourly danger of being deluged by the "returning tide of fanaticism," and in the same breath inform us that the people are eager for reform. The fact appears to be that Mr. Malabari is familiar only with such Hindu life as can be seen in Bombay, and even there his opportunities of observation are very limited. Not being himself a Hindu, introduction into the innermost circles of the family and familiar conversation with the ladies, are in his case, if not impossible, at any rate very improbable, and the consequence is that his picture of the miseries of a Hindu widow, being mainly copied from published pieces of social satires and appeals, is distorted with exaggeration which is but too common in such compositions.

The means which he proposes to ameliorate the condition of the Hindu widow bring this out very clearly. Not finding anything like a general support in Hindu circles, he makes a strong endeavour to secure the sympathies of their less-informed Anglo-Indian friends, and is eager to give to his proposals the colour of authoritative enactments, forgetting all the time that no one in the world is more attached to his ideas and customs than the usually conservative Hindu; that force of external opinion, however great, has never, in any known history, changed the family circles and relations unless assisted by internal conviction, and that such external interference has only the adverse effect of vexing and perverting even the otherwise sober, and moderate members of the attached society.

But his method is not alone most objectionable. The four proposals which he formulates in distinct rules, may be criticised in the well-known words of a great English writer that in them "What is true is not new, and what is new is not true."

The first proposal runs thus :—

"That no Hindu girl who has lost her husband, or her betrothed, if she is a minor, shall be condemned to life-long widowhood aginst her will."

This is what is substantially done by the Act XV of 1856; and whatever the reasons which led the legislature to pass it, stands as a part of the substantive law of India, inviolate and beyond the pale, of irresponsible discussion. Further it is not improper, because it only removes a bar but goes no further. Government could not and cannot possibly do more without violating their known and well-established principles, and they have done wisely in stopping there. But Mr. Malabari wishes to carry the matter further and proposes:

"That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her,"

Now who is to suspect these cases? If the police, then we must have an extra family detective force, To appoint it is not impossible, but what duties will they have? What rights of visits and search, and what guarantees against abuse of power? Supposing all this is properly managed, what feelings will it excite in the breasts of the members of family, whether male or female? For it is to be remembered that Hindu women, for want of book-reading education, and by force of long-sustained habits and immemorial usage, have quite come to love their own condition, which in the opinion of Mr. Malabari is one of bondage. Assuming that the Government is prepared to disregard all this, the next question to consider would be whether it is necessary to run all these risks. Remarriage is prohibited in the Dvija's or the twice-born. The others follow the rule for imitation and consequent show of respectability, So then, the evil is one that belongs to a small class of the Hindus, and the Hindus themselves are only one of the races that inhabit the large British Empire in India. If this is true, then it goes without any lengthy demonstration that the now-advocated new piece of legislation is positively unnecessary, and possibly mischievous in its consequences.

The same faults of impracticability and an undue disregard of its necessity and its most probable consequences, which characterize the above proposal, vitiate the remaining two, *viz.*:—

"That every widow of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp duty, attendance at Court, and so on," and—

"That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals."

To carry out these proposals the phrase "social ill-usage" must be clearly defined. If it consist of merely not inviting to dinner, or private parties and friendly intercourse, how is it possibly to be punished and under what section of the Indian Penal Code? Last, and not the least, it will be necessary to rule as to who must be invited. In fact to do all this will be an impossible task and turn out in the end thankless. Further, how is a society or association of persons to be prevented from exercising their inherent right of excluding an obnoxious person from among themselves, whether they choose to exercise it directly or through a priest? If by penal legislation, where is it to stop, and what to serve as its examplars? These are some of the difficulties which the Government will have to cope with if any of the proposals of Mr. Malabari are acccepted.

My own opinion is that the subjects of infant marriage, and what Mr. Malabari calls "enforced widowhood" are important and should be kept before the public, by discussion, lectures, &c., but strictly in a private and unofficial way. The Government has already done all that it could possibly do, and that what it has done, is sufficient, joined to the forces of education and its consequent advance, to eradicate the evils, if evils they really are. Lastly, that Government interference is unnecessary, and will be detrimental to the true cause of progress.

In examining the opinions of Mr. Malabari and advancing my own, I have thought it my duty to speak plainly, and have therefore advised frankly without the least wish to wound the feelings of, or cast a slur on, any one, and I fully trust that His Excellency will consider all the reasons which I have humbly endeavoured to put forward, before taking any action in the matter.

From Hurrychund Sadasivjee Hate, Esq., A.M.I.C.E., to the Under-Secretary to the Government of Bombay, General Department,—dated 12th January 1885.

With reference to your Circular letter No. 4164 of 1884, forwarding copy of a paper on "Infant marriage: Enforced widowhood" by Mr. B. M. Malabari, and inviting my opinion on the proposals made therein, I have the honour to state, that early marriages are undoubtedly a great social evil in the native community. It tends to the physical deteriora-

tion of the race, to retard intellectual progress, to sap the foundation of mental and moral energies, to check the spirit of travel in foreign lands, and enterprise; to bring about ill-matched alliances, to produce evils of over-populatlon, to burden one too early with the cares and responsibilities of a family, and in cases of girls to enforced widowhood.

2. The physical effects of early marriages are too well-known. One of them is that it stunts the physical growth of the body, besides producing sickly and emaciated children. We often hear of a Hindu girl of the age of 14 giving birth to a child.

3. The physical constitution of man has a very intimate connection with his mental strength and moral energies, and these are much impaired by too early sexual connection long before the body is in a proper state of growth and development. A man who marries thus becomes capable of less severe mental exertion, and thereby defeats the great object of his life.

4. Even the early marriage of a girl does not by itself lead to other grave results if the ceremony of actual marriage is postponed by judicious parents to some years afterwards, and a marked difference of age is always preserved between the married couple.

5. To do this a strong public opinion is necessary to check and put down many of the evils attending on early marriages.

6. It is not to be supposed for a moment that I undervalue the importance of the choice of the selection of the partner being entirely left to the parties who are to be indissolubly joined together for life, for good and evil, instead of their being made the victims of the wordly calculations of their parents. It is strange that while our children should be consulted in matters of trival interest, their greatest happiness is suffered to be wrecked on the rock of parental vanity and selfishness.

7. A strong public opinion and feeling ought to be created by tracts and pamphlets extensively circulated in the different languages of the country. Nothing is calculated to produce a deeper and vivid impression on the mind than in depicting the evil in all its different colours and nakedness. The Native and English press, that great power in the State, ought also to take a prominent part in the agitation and in depicting the evils.

8. The cause will also be a good deal advanced by the sympathy of European friends. I am glad Government recognise their responsibility in the matter, and have liberally come forward to support female education. It is my firm conviction that female education in this country will not advance as rapidly as one may expect until all the female schools are conducted by trained female teachers, a state of things so much advocated by the late Miss Mary Carpenter. A geat deal of the future hope of India in social reform lies in this direction. It is at the foundation of true civilization and refinement.

9. A good many of the pernicious effects of early marriages can be avoided by certain influential members of each caste forming into committees for the special purpose of bringing about social reforms, and their entering into certain pledges for themselves and their fellow castemen. The procedure should be on the model of temperance pledges, which have done immense good to society. Such committees are likely to exert a powerful influence on the minds of their castemen with whom they are bound by caste fellow-feeling, and not unfrequently by ties of relationship also.

10. Judging of the present feeling of the native community and the limited number of really good matches in several of the smaller castes, it is my opinion that it would be hard and even unfair for a University or other departments of State to exclude all married students from the University examinations as proposed by Mr. Malabari; nor would this secure any great advantage. Government might however show its disapproval of the practice in strong terms, and even go further and legislate that no marriage contracted can legally be binding before the age of 12 in case of girls, and 17 in that of boys. This measure will meet with general approval.

11. To check the inhuman practice of the marriage of an infant girl of 9 or 10 years with an old man of 50 and upwards, Government may well follow the excellent suggestion of Mr. Malabari, by legislating that money or other property received from the bridegroom as the price of the girl disposed of, is not to belong to her father or any of her relations on the husband's or father's sides, but to be absolutely her money, and whoever shall misappropriate the same shall be guilty of criminal breach of trust and that Civil Courts be authorised, on her application, to make any order summarily for securing its due custody and for allowing its benefit to the party for whose benefit it was originally given. This will give a deadly blow to the practice.

12. Enforced widowhood is, as a general rule, the result of early marriages, and as soon as the practice of early marriages is done away with it will mitigate many of the serious evils of perpetual widowhood.

13. The greatest obstacle to remarriage is the bane of excommunication from caste. It is difficult for foreigners to conceive what this banishment from society means. It amounts to nothing but civil and social death. The woman who dares to remarry is looked upon, not only by the opposite sex but by her own, as the vilest of the vile. The finger of scorn is now and then pointed out at her, and the tongue of scandal directed against her honour. She and her new husband will be further cut off from all social intercourse, and they will be shunned as social pests. All ties of caste-fellowship and relationship will be torn asunder. Not only is this anathema directed against them but against their children. A widow would rather, under these circumstances, prefer death than thus be socially degraded.

14. There is however a great hope yet for Indian women that they would be sooner or later delivered from the inhuman practice of enforced widowhood, and freed from their hard lot in this respect. Several texts of the Shastras will be found in favor of widow remarriage. These texts should be collected and the opinions of learned pundits both orthodox and of the new school versed in the Shastras, obtained. These opinions should be extensively circulated and the scruples of the female sex on the point be thus overcome. The leaders of each caste and its enlightened representatives should also strenuously move in the matter.

15. In connection with this subject I may be pardoned for suggesting that Government may very humanely put a stop to the present barbarous custom of getting young widows at least under 30 years of age, shaved. If this pernicious practice is abrogated—to which previously they should direct their attention—it will be a source of great relief to the poor and helpless widows, young in years and sometimes minors, who are forced to this measure by their inhuman relatives, and much of the heart-rending scenes would be avoided.

16. Thanking Government for allowing me an opportunity of expressing my views on this most important subject, which would no doubt tend to raise the social position of Hindus amongst the civilized nations.

From Rao Saheb Ranchodlal K. Desai, Second Class Sub-Judge, Umreth, to the Acting Under-Secretary to the Government of Bombay, General Department,—No. 3, dated 10th January 1885.

With reference to your letter No. 4164 of 1884, dated the 13th November last, I have the honour to lay before His Excellency the Governor in Council my humble opinion regarding the proposals made by Mr. B. M. Malabari of Bombay in his paper on "Infant marriage and Enforced widowhood," a copy of which is forwarded to me with your letter now under reply.

I. It cannot now be denied by any reasonable man that the custom of "Infant marriage," or more properly speaking of "Early marriages" in India, especially amongst the Hindus, as it now prevails, is an evil which should be checked; but the question is whether the Government can, consistently with its declared policy in India, interfere to check it, and if so, in what way.

II. Mr. Malabari, in suggesting the ways in which the Government can interfere says:—

"I would not propose a legal ban to be placed upon it, but an enlightened Government might well show its disapproval of the practice indirectly. To begin with, the educational authorities might rule that, due notice being given, no married student shall be eligible to go up for University examinations, say five years hence. This would be some check. Several other departments of the State might also devise similar means to discourage this pernicious custom of modern India. I have little doubt that some such expedient would be welcomed by leaders of native society in all parts.

"2. It appears to me that the State has a right to insist upon having the best available servant, if not the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married,—all other qualifications being equal.

"3. Then, again, the Educational Department may give a few chapters in its school-books describing the evil in its various forms.

"4. The State may offer indirect inducements to students remaining unmarried up to a certain age.

"5. Let the officer evince personal interest in the matter, keeping his official position in the back ground.

"6. The most obnoxious amongst early marriages (which are often unequal in point of age) are the marriages of an infant girl with an old man, the object generally being for the bride's father or relatives to secure money from the bridegroom. This is much the same as selling the child, selling her into slavery and worse. Now the State may not directly interfere with the transaction. But indirectly, I think, it can aim a deadly blow at the practice itself. For instance by ruling that the money received from the bridegroom, the price of the girl disposed of, is not to belong to the seller,—the parent or relative of the victim,—but to be safely deposited in her name and for her exclusive use."

III. Out of the aforesaid suggestions of Mr. Malabari, the third suggestion is harmless; and nothing can be urged against it, even by any "Let Aloneist." It may, I humbly submit, be accepted and enforced by His Excellency the Governor in Council, though it does not seem to be such as to produce any good result immediately, inasmuch as the parents of the marrying couple who bring about these marriages are not likely to read these books.

IV. The fifth suggestion of Mr. Malabari seems to me a good one; and it is, in my humble opinion, such as to advance the cause materially.

V. The fourth suggestion may well be adopted by Government without deviating from its policy in India. If some of the scholarships which are now open to competition amongst the students generally in the schools and colleges, be thrown open to competition amongst the students only, it will, I humbly think, give an inducement to many young boys, desirous of receiving English education to remain unmarried, and the hope for gain will very probably deter the parents of such students from bringing on their marriages sooner.

VI. Again, the Government may, without detriment to the efficiency of the Police or the military service, be pleased to rule that a candidate for employment in either of these departments shall generally be selected from those who have remained unmarried until the completion of their 21st birthday, and have preserved their good moral character till then.

VII. The second suggestion of Mr. Malabari is that the Government may well assist the cause by directing the heads of departments to prefer an unmarried candidate to a married one, all other qualifications being equal; but with the exceptions of the Police and the Military Departments, there is hardly, I humbly submit, any other department in which an unmarried Native can be given an appointment without risk of danger to the public morality, inasmuch as the holders of appointments in the departments, other than the Police and the Military Departments, are likely to come in contact with females. Under this consideration, I am unable to recomend the acceptance of the second suggestion of Mr. Malabari in its entirety.

VIII. The collegiate education, now-a-days being costly, sons of only well-to-do persons attend the colleges with the hope of obtaining University degrees; and the sons of well-to-do persons in Guzarat, who are likely to enter the colleges five years hence, are even now either married or their betrothals have taken place; and, therefore, it is likely that by the adoption of the first suggestion of Mr. Malabari, the sons of almost all the respectable and well-to-do Hindus will be precluded from taking collegiate education for no fault of theirs.

IX. Again, though the marriages of sons of well-to-do and respectable Hindus take place at the age of 10 or 11 years, these marriages are generally consummated at an age not earlier than 16 years; and, therefore, the mere fact of their marriages having taken place at an earlier age is not sufficient to disqualify them from taking the collegiate education, and from taking the University degrees. Considering this circumstance, along with the fact that reserving a few scholarships in schools and colleges to be competed for by the unmarried students only, will in all probability be a sufficient inducement to those who can, under the present circumstances, remain unmarried, to remain so, I am inclined to think that the first suggestion of Mr. Malabari will, if adopted, work hardship on the sons of respectable persons without any fault on their part; and that, therefore, it should not be recommended for adoption.

X. Mr. Malabari suggests that the marriages of infant girls with old men should be stopped by ruling that the money paid by the bridegroom to the bride's parents or brother in consideration of the marriage shall not belong to the person giving the bride in marriage, but it shall safely be deposited in her name and for her exclusive use; but though this suggestion seems to be advantageous to the interests of the minors who are given in marriages to old men, I humbly think that it will not have the effect of checking this worst form of marriages; for the infant girl who is given in marriage to an old man seldom attains her majority before she loses her husband; and in that case she remains dependent on her parents or on her elder brother who gave her in marriage; and, therefore, she will hardly be able, or at least she will not like, to ask her parents or her elder brother to return to her the dezmoney, *i.e.*, the money received by them in consideration of giving her in marriage. In my humble opinion the best course for checking this obnoxious practice is to lay down that the marriage of a minor girl with an old man of 40 and upwards is an offence; and that the money paid by the bridegroom in consideration of such a marriage is recoverable back.

XI. As the guardianship of all minors is by law vested in the principal Civil Court of the district in which the minor resides, the parent or brother of the minor girl may justly be restrained in their improper actions in giving away the minor in marriage by the Government or by the principal Civil Court; and consequently the Government will, I humbly think, be justified in taking a direct step to check the evil.

XII. I may be allowed to mention here that I have consulted some of the leading Hindu inhabitants of this town on this subject; and they have expressed their opinion that a legisla-

tive measure prohibiting the marriage of an infant girl with a man above 40, as well as the taking of the dezmoney by a parent or other relative of the minor bride, will be received by the people generally with thanks.

XIII. Mr. Malabari describes another form of early marriages as that of a girl of 12 to 15 married to a boy of 8 to 10. Such a form of marriage is seldom observable in the castes in which the custom of marriages of widows does not prevail; but such a form of marriage is prevalent in the Kadwa-Kunbi caste, wherein marriages take place every twelfth year in rotation; and the marriages therein are revoked at the will of the married couple; but the ill-effect of this form of marriage is seldom felt by the members of this caste, they having the power to put an end to the marriages thus entered into.

XIV. It is no doubt very desirable that a bridegroom should be older than the bride by about five years; but the circumstance that even amongst the civilized nations, such as the English, the wives are sometimes older than their husbands, will, I humbly think, come in the way of the Government's interfering in this respect. This matter may, I humbly submit, well be left to the society, who will in course of time see its own way.

XV. As the subject of the marriages of Hindu widows amongst the higher castes has so much been discussed by the Shastrees and the other persons learned in the Hindu Shastras, that it may now be taken as a point beyond dispute that the Hindu Shastras allow of the marriages of widows; and it is undeniable that a small proportion of widows would remain unmarried, if the power of the caste to excommunicate the marrying couple were removed.

XVI. The great proportion of Hindu widows being thus under the necessity of remaining unmarried by the overpowering influence of the caste, they satisfy their passions by secretly committing adultery; and when they become pregnant, they try their best to destroy the child in the womb; and if they fail in their attempt, they either commit suicide, or destroy the child soon after birth. Such a horrible practice cannot, I humbly think, be connived at by this enlightened and merciful Government; but the question that calls for consideration is in what way can the Government, consistently with its policy of non-interference in caste-matters, check this pernicious practice?

XVII. If as suggested above (*vide* para. X) the Government be pleased to lay down that hereafter the marriage of a man of 40 and upwards with a virgin girl shall be a criminal offence, the persons above the age of 40 and desirous of having a wife shall be under the necessity of marrying a widow; and in that case, they would not, it may be hoped, care much about excommunication, inasmuch as the majority of opinions decide caste questions, and the number of such persons will rapidly increase. Thus a part of the evil can, I humbly submit, be indirectly remedied by the Government.

XVIII. As the commission of adultery by the unfortunate widows lead them to commit the suicides and the infanticides either before or after birth, the Government may well be pleased to rule that the adultery by and with a widow shall be criminally punishable. This suggestion, if accepted by the Government, will lead many widows to perform marriages instead of committing adultery secretly without caring for the caste-excommunication; and thus the evil will be very considerably mitigated without directly interfering with caste questions.

XIX. Mr. Malabari suggests the four following ways in which the Government can interfere to check the custom of enforced widowhood:

"Let Government rule:—

"1. That no Hindu girl who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will.

"2. That arrangements may be made in suspected cases to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her.

"3. That every widow of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp duty, attendance at court, and so on.

"4. That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals."

XX. The first way suggested by Mr. Malabari seems opposed to one of the fundamental rules of our Jurisprudence that a minor is not *sui juris*, *i.e.*, is incapable of entering into a contract; and there seems no good reason for allowing a minor widow to enter into a contract of marriage of her own will and without the consent of her guardian; but on the contrary, there are reasons to fear that a minor widow will, by reason of her immature understanding, be in a worse state than she is in, by making a bad selection of her future lord. Under this consideration, I am unable to recommend that a minor widow should during her minority be allowed to contract remarriage of her own will, and without the consent of her guardian.

XXI. It may perhaps be urged that Mr. Malabari does not, by his first suggestion, mean that a minor should be allowed to contract remarriage during her minority according to her own will; and that he thereby means to suggest that a girl who has lost her husband during her minority, and no other, should not be condemned to life-long widowhood against her will Even then this rule seems to me fallacious. In all civilized nations, women of whatever age have the option of remarrying; and there is no reason why these women who have lost their husbands after they have arrived at maturity should have no option of remarrying if they like.

XXII. Under the Indian Penal Code, Sections 341 .to 344, 346 enforcing a seclusion upon any person, whether male or female, is an offence; and the offence is such that the offender thereof can be arrested by the Police without warrant; and, therefore, I see no objection to the acceptance by the Government of the second suggestion of Mr. Malabari; and it will be enough if His Excellency the Governor in Council be pleased to inform the Police officers that negligence on their part in taking cognizance of such cases will be noticed with displeasure.

XXIII. The third suggestion of Mr. Malabari is, no doubt, advantageous to the cause of widow remarriage; but considering that if this suggestion be wholly adopted, it will lead the orthodox and the ignorant people to think that the Government have commenced to interfere with their caste-questions, and that the remarrying couple are liable to take an improper advantage of the favour thus shown to them, and to get up unnecessary quarrels, I am inclined to think that the whole of the third suggestion of Mr. Malabari should not be recommended for adoption; and that it will be enough if the remarrying widow is given an exemption from the payment of stamp-duties and from the personal appearance in a civil or criminal court, only in those cases in which she is compelled by the orthodox people to have recourse to civil or criminal court for such an ill-treatment as can be taken cognizance of by any civil or criminal court under the law now in force.

XXIV. The fourth suggestion of Mr. Malabari is, in my humble opinion, such as to do harm to the cause of widow remarriage, rather than any good; for it will lead the religious priests to advance an argument that when they are justified in excommunicating the widows and their second husbands, why should they not be justified in excommunicating the persons who take part with them; and at present I have known of no instance in which a religious priest has excommunicated the relations and connections of the persons performing such a marriage. Under this consideration, I am inclined to think that this suggestion of Mr. Malabari should not be recommended for adoption.

From Kalianrai H. Desai of Broach, to the Under-Secretary, to the Government of Bombay, General Department dated Bombay, 14th January 1886.

With reference to your letter No. 4164, dated 13th November 1884, with a copy of a paper on "Infant Marriage" and "Enforced Widowhood," by Mr. B. M. Malabari, and a desire to submit my opinion regarding the proposals therein made, I have the honour to forward, for His Excellency's consideration, the following observations which have suggested themselves after a careful perusal of the notes.

Burning with a philanthropic zeal deserving very high praise, Mr. B. M. Malabari has submitted two notes, on points the most fundamental of their kind in their bearing on the social and religious life of a vast majority of Her Majesty's subjects. Thinking a very elaborate examination of these notes not very necessary, as many learned and experienced men have criticised them at some length, I beg to give a brief exposition of my views on both these very important subjects, from the standpoint of an orthodox Hindu.

It is, I believe, no disrespect to our celebrated journalist, if I were to lay down my candid opinion, based on a careful study of these papers, that the evils under which the Hindu society is said to labour are highly exaggerated, notwithstanding that Mr. Malabari takes special care to inform his readers that the picture is not an overcharged one. Being a Hindu, and an orthodox one too, I have of course more opportunities than Mr. Malabari can, by any means, be supposed to have, of observing my own community. Mr. Malabari, on the other hand, having had from a very young age, his mind filled with ideas and associations entirely connected with European civilization, considers the subjects from an English reformer's standpoint; and hence he appears to create evils, where in fact no evils exist, or if they exist at all, they exist in a very mild form. With these prefatory remarks, I proceed to examine the notes as briefly as the importance of the subjects will allow.

The evils complained of, as the result of infant marriage, it must be confessed, do certainly undermine the society at large to a certain extent. However, as already remarked, they have not been presented naked in their true colours, but have been highly magnified and distorted as under a powerful microscope. For example, Mr. Malabari seems to be of opinion that

the evils of infant marriages are to be traced to the narrowness of the area of selection, so much so as to make it necessary for the parents to accept "the first boy or the girl available," even though "there may be physical defect or moral taint on one side or the other." Now this is by no means true of the general community. Here and there we may meet with a solitary instance of the kind in question; but then that is an exception and not the general rule, as every Hindu well knows from his personal experience. Such a match as the one described in Note I. becomes an object of general derision in most of the castes, though I candidly admit that there are castes (far and few between) in which infant marriages, in the strict sense of the word, obtain to a frightful extent. As a general rule, at least on this side of India, parents are always found to be particularly anxious to secure the best bridegroom or bride available for their child out of a sufficiently wide area of selection. There are thousands of cases, in which matrimonial connections, previously formed, have been afterwards at once broken off, simply because one of the parties was found to have subsequently contracted some "physical defect or moral taint;" for, in most of the castes, either party has the full right to make previous engagements null and void. This liberty of free choice mitigates to a very great extent many of the evils which would otherwise prove more disastrous in their results.

I have, however, already admitted that infant marriage is an evil, which requires removal. The remedies suggested by Mr. Malabari are, however, in my opinion, not only ineffectual, but also altogether impracticable. Though not proposing direct legislative enactments, he recommends our enlightened Government to manifest, by indirect means, its disapprobation. But I must express my firm and sincere conviction that the indirect measures which he so fervently commends, are calculated not only to work injustice, but to retard the progress of high education, which is absolutely essential for the furtherance of the cause of this country, and the amelioration of the general condition of the people. I am really surprised to find a gentleman of considerable journalistic experience and talent devising means which expose their own absurdity. He argues "that educational authorities might rule that due notice being given, no married student shall be eligible to go up for University examinations." Now, it is very well known that a majority of the candidates who appear in the matriculation examination, the first University examination, are aged from 17 to 19. I do not see the reason why a young man of 19, who has just attained the age of puberty according to the climatic condition of this country, be debarred from an University examination, because, shortly before, he has entered into the marital state. I do not think that any authority would see any practical aim in the application of this proposition of Mr. Malabari to higher examinations, for, as generally observed, a young man succeeds in appearing in his M. A. or LL. B. only when he is at least 22 or 23 years old, and I think that it is simply absurd to propose that he should be interdicted from the holy precincts of the temple of learning because when he was 20 or 21 years old he preferred marriage to celibacy. Of course I would rather see such a young man married when he has completed his course of study and set himself up in buisness, but I could never brook the intolerable injustice of debarring him from examinations on the aforesaid ground. Moreover, the marriage of a young man of 20 or 21 does not come at all under the category of infant marriages.

I follow a similar line of argument in contradicting the other suggestion of Mr. Malabari that "the head of a department may prefer the unmarried to the married." Here, too, from a general point of view, a young man joins the Government service when he is at least 21 or 22 years old, and I must certainly say, as an aged and wordly man, that such a youth, if married, would prove better available, more steady, diligent and careful than one unmarried.

I am one of those who have strong faith in the results of true and sound education, and I would leave the matter entirely to its spread over a far wider area than what it at present covers. Any reformation, to be truly effectual, must proceed from the people themselves, and, unless that is done, all other remedies fail to prove not only futile but actually injurious.

I do not know upon what sources Mr. Malabari has drawn in writing the last paragraph of his first note. It is illogical to generalize solitary and isolated facts, and I believe that, if I were to corroborate the observations of Mr. Malabari embodied in the paragraph, I would be guilty of passing sweeping comments, making undignified assertions, and giving out exaggerated and fancied sentiments based on no reliable grounds.

After these observations, which imply an unqualified disapproval of some of the remedies proposed, and views expressed by Mr. Malabari, it is but meet that I should submit to His Excellency's consideration some proposals for the eradication of the canker of infant marriage, which, no doubt, eats into the vitals of a tolerably large part of our community. The people here, as is very well known to all who are even superficially acquainted with India, are highly religious, so much so as to have their whole social fabric based upon religious principles from time immemorial. Unless, therefore, the people see that a reform proposed for their acceptance has

religion to rest upon as its ultimate authority, they will be loth to accept it purely on social principles. Now the remedy which I propose has this recommendation, and is at the same time highly beneficial from a social standpoint. It is, moreover, a very simple one compared with what Mr. Malabari has thought fit to propose. The only thing, that is in my humble opinion calculated to effectually check the evil, is the observance of the Brahmanachari Ashram (ब्रह्मचारि आश्रम) by those on whom the Shastras strictly enjoin it after the performance of the thread investiture (यस्तो यवीत) ceremony. As regards those who are debarred from their very birth from undergoing this ceremony, it is only sufficient that the boys should remain unmarried till they complete their 17th year. At this age if one were to marry a girl of 12 years, he could on no account be laid open to the charge of having fallen a victim to infant marriage, for it must be remembered that this marriage will by no means be a marriage in the English sense of the word, as the consummation will require at least a year or two more, by which time the boy will have, of course, grown up into a young man of 20 or 21, which age, I believe, will be admitted, at least in a hot country like India, to be sufficiently ripe to entitle a man to become the householder of a family, for after 25 years Government even decline to accept the services of a man as if he had passed his young age over.

This strict observance of Brahmacharism (if I may so term it) is, in my opinion, the only possible remedy which can be made acceptable to the people, and which Government can indirectly encourage as having for their authority the religion of the people. But it must be clearly understood that the people themselves are the ultimate source of the reform, as it must in the first place spontaneously emanate from within themselves.

As to any attempt to keep girls unmarried even after the completion of their age of puberty that is altogether out of the question. Englishmen, and even Parsees (especially those who are for a wholesale imitation of English manners and customs), can never duly appreciate the keen, delicate feelings of an orthodox Hinduab out the honour and dignity of his wife and daughters. A Hindu would consider it of utmost importance to have his daughter married before her age of puberty no less on social than on religious principles. At the same time one often meets with unmarried girls who have completed their 10th or 11th year, and sometimes even their 14th or 15th. True to my Hindu instincts, I, for one, am against keeping girls unmarried after they have reached their 12th year, and I think that boys would, without an adequately vigilant discipline, inevitably fall into dangerous and vicious habits if kept single for a long time after the completion of their 16th or 17th year.

It is solely with this end in view that I have recommended so strongly the adoption of Brahmachari Asram, so strictly enjoined by our Scriptures; for, while it tends to concentrate the whole attention of the boy to his studies, it effectually provides safeguards and remedies for preventing him from falling into evil habits and ruinous practices. Nature will not otherwise fail to assert itself, and I am afraid in removing a lesser evil a way will be laid open for a stronger one.

Note II.—Enforced Widowhood.—Here, as in the first note, Mr. Malabari begins by a strong appeal to the feelings of the public as well as Government, by a long and exaggerated description of the wrongs which widows suffer at the hand of their caste members. So far, however, as my experience of the Hindu Society goes, widows are by no means the innocent victims of family or caste oppression as they are represented to be. In all household and family matters a widow, as such, enjoys a far greater authority than a married woman. She directs the whole house as she has more leisure for such duties, and in almost all matters relating to family or caste customs she, especially if grown up, is always looked to as a final authority. Of course her position as a widow excludes her from the performance of such religious ceremonies as require the presence of woman on auspicious occasions. As to any other social wrong to which widows, as such, are compelled to submit I humbly submit, I fail to discover any, after a lifelong experience of my community.

It is useless to write declamatory and alarming sentences for magnifying the evils complained of. Foreigners unacquainted with the state of our society may accept them as true, but they will produce little effect on those who are intimately familiar with the ins and outs of Hindu communities. An experienced Hindu can hardly suppress a smile on reading the exaggerated declamation of some of the passages of this note. An instance or two, I hope, will suffice. Mr. Malabari says, "Caste is more potent in its secret persecution than the inquisition of Spain. Not only are the offending couple excommunicated, but their relations and friends too may become outcastes henceforth and for ever in life and in death. They are shunned like a moral plague." Again in another place, he says, "The plea as to remarriage of all widows being forbidden by the Shastras has long been known to be untenable." Further on, Mr. Malabari denies that the question has a religious bearing, and says, "it is more a freak of the priestly caste, and of a set of social monopolists."

Now I should say that there is no justification in facts for all this strong language, which is, however, a certain proof of the predominance of imagination over reason in the writer's mind. There is nothing like "secret persecution" in a caste, which, as a whole, is as amenable to law in all matters connected with society as any private individual. Nor are the relations and friends of a remarrying widow visited with the punishment of excommunication if they refrain from having any religious intercourse with her, for social intercourse is permitted even with an Englishman or a Parsee, and it can be on no account denied with a Hindu widow remarrying.

Again, Mr. Malabari is evidently wrong when he so confidently asserts that the plea as to widow remarriage being forbidden by the Shastras is untenable. Notwithstanding the feeble endeavours of Pandit Ishwarchundra Vidyasagar and Vishnu Shastri Pandit and their few followers, both here and elsewhere, Oriental Scholarship in India is unanimous in the condemnation of widow remarriage as an institution not recognised by the Shastras. It must be, however, here remarked, that widow remarriage is not at all considered a heinous crime deserving any serious punishment. For, excepting *loss of position* there is no other disadvantage, which, so far as the Shastras are concerned, widow remarriage forces on his or her condition.

Allow me now to examine a little the causes, which, in the opinion of Mr. Malabari, have tended to counteract the progress of widow remarriage and thwarted our reformers in their endeavours to bring about this (to them) very happy consummation. After a very careful perusal of the note in question, I candidly confess I have failed to find anything definite which Mr. Malabari considers as the true cause. In one place Mr. Malabari seems to think that the passing of the Act for the abolition of Suttee has to answer to a certain extent for the frightful increase of the evil. In another place he traces the evil to freaks of the priestly class, and in a third falls foul on the caste which, he says, unnecssarily and oppressively condemns the poor widow to a lifelong course of misery.

Now, with all deference due to the talented journalist of Bombay, I cannot help observing that not one of these different causes has anything whatever to do with the matter in question.

I. Long and detailed refutation is, I think, unnecessary to prove that the abolition of Suttee cannot be said to have added to the misery of the widow, as Mr. Malabari seems to think when he writes—"Had Mount Stuart Elphinstone or Lord William Bentinck anticipated them, they would have paused before enforcing the law without its legitimate corollary." Suttee was a rare and unusual sight, even when law and public opinion were in its favour. Women, so far as my information goes, were never encouraged, against their.free will, to burn themselves on their husband's funeral piles. The idea of so doing must necessarily proceed from herself, or otherwise she was no Suttee at all in the real sense of the word (सतचड़ बुज) To be inspired from within was the first condition necessary for securing to a woman the high and celestial honours of Suttee.

II. Again, the priestly caste has nothing to do with the subject of widow remarriage. The priest's freak is altogether powerless to work the people one way or the other. For there are numbers of priests, and they are high caste Brahmans, who daily take part in the remarriage of widows, if the custom has been recognised by the members of the caste whose priest he happens to be.

III. Mr. Malabari's chief contention, however, appears to be that at present Hindu widows are condemned to a state of perpetual widowhood much against their will by the unjust oppression of the caste, and that the State, under the existing circumstances, has a perfect right to interfere on behalf of the widows, who should be thenceforth considered as the adopted daughters of the Government. To begin with, the term "Enforced widowhood" is altogether a misnomer, for there is no such thing as "Enforced widowhood" amongst Hindus, as many of their castes fully recognise the custom of widow remarriages. For, with the exception of Brahmins, Khatrias and Wanias, who form the upper cream of our society, all the other castes do freely admit of widow remarriages which are of everyday occurence among them. If widowhood is to be considered as enforced, simply because a widow remarrying loses caste, then everything that is done in obedience to a previously recognised custom, whether good or otherwise, must be an enforcement; and such enforcements, I believe, will be found to have full recognition in all times and in all societies, even including the most refined ones of Europe and America. Caste, so far as it goes, never uses violence, or exercises any other oppression to prevent a widow from remarrying if she so wills it. The only thing that it does is a cessation of religious intercourse, and this, I believe, is a perfectly legitimate discharge of the castes' functions, in the exercise of which the State, as Mr. Justice Nanabhai Haridass has conclusively proved, has no right at all to interfere. A club or a society imposing certain rules of observance on its members has a perfect right to exclude any one who infringes them from the benefit of

its membership. This is exactly the case with the caste, the rules of which are more intricate and consequently affect more intimately the social and religious interests of its constituents.

Thus, it will be perceived that attempts to foist the prevalence of widowhood on the freaks of a priest or the oppression of a caste, will fail to carry conviction home to a man of common sense possessed of even common acquaintance with the condition of the Hindu community. Freaks of a priest, or oppression by a caste, are not in themselves to work on the feelings of the people, unless they have anything like a semblance of support from the Shastras or the public opinion to rest upon. Priestly freaks, as well as caste opinions, were, as everybody knows, ever against allowing Brahmins and other high caste Hindus from taking advantage of medical instruction as afforded in the Grant Medical College. The feelings of the people were greatly outraged at the idea of dissecting a dead body which polluted a man by the touch. The intelligent portion of our society, however, now-a-days care very little for the opinion of the majority of the orthodox old, to whom, even in these days of progress and enlightenment, the idea of dissecting a dead body appears a preposterous one, and are not thus deterred from giving their children the benefit of a highly lucrative education. The people are not so ignorant, nor are they so foolish, as to be led by the nose by priestly freaks and caste oppressions in points which are of vital importance to their true and real interest. Had the observance of widowhood only the freak of a priest or the oppression of a caste to depend upon for its existence, the custom would have died out long ago without giving Mr. Malabari the trouble of preparing an elaborate Note on the subject. I quite agree with Mr. Malabari when he says "Hindu parents deplore no misfortune as they deplore the widowhood of a young daughter." To this it may be added that the death of a daughter is to a Hindu parent a lesser evil than her widowhood. Religion, too, does not visit the act of remarriage with any special punishment, though I conceive Mr. Malabari to be evidently wrong in denying a religious bearing to the question. Every lawyer of tolerable experience in the country is well aware of the fact that the marriage ceremony, as performed by the Hindu, has a special bearing on the future religions and social prospects of the party. It would, therefore, be not right to say that the remarriage of a widow has no religious bearing, for it is to all intents and purposes a marriage in the strict sense of the word. Under these circumstances I venture to ask how it is then that the people so tenaciously cling to the custom, when they can so easily free themselves from it by one forward move? Because, I answer, the custom has had its origin in a deeper philosophy of human nature, and nobler ideas of womanly honour and integrity. An intelligent Hindu mind, imbued with the first principles of our religious philosophy is early convinced of the brutalising effects of a free indulgence of passions. A Hindu very well knows the debasing and degrading influence which passions exercise on the nature of man, which on the other hand, rises higher and higher and attains to a nobler perfection in proportion to the control he is able to put upon them. Passions, in short, though every way natural to man, have a tendency to degrade humanity, which on the other hand, receives a higher lift in proportion to the wholesome check which a man is able to bring upon them for preventing them from having a free scope. Now a widow remarrying is evidently a woman with whom a healthy control over her passions is altogether an impossibility. To espouse the bed of a second husband after she has become the wedded wife of a previous one is, in the opinion of the public, the highest degradation to which a woman can stoop. The public, in perfect harmony with their extremely subtle notions of female purity, entertain but a very poor opinion about the self-respect and personal dignity of a widow, who being unable to curb her passions, thinks of a second marriage, for they view an act like this as nothing less than actual defilement. In fact the Hindu ideas about female chastity and integrity are so peculiarly delicate and refined, that it is almost impossible to convey an adequate notion of their influence on the social life of the people to any one who is out of the pale of the community. The prevalence of the custom which Mr. Malabari so strongly condemns, really speaking, should be attributed to this religious and social aspect of the question, and I beg to assure Mr. Malabari and his fellow-reformers, that so long as these peculiar notions of female purity and honour continue to have that strong hold on the mind of the people as they at present have in connection with the preservation of widowhood intact, there is very little hope of widow remarriages becoming more general than what they at present are. As a practical proof of this fact it needs mention here, that even in those castes where, as already remarked, remarriage of widows is a matter of every-day occurrence, women of high families commonly abstain from contracting a second marriage, after the death of their husbands, even though condemned to the miseries of a perpetual widowhood at an early age. Nor are these peculiar ideas of self-respect and personal dignity confined only to the Hindu society; they, I believe, will be found to have a place in the hearts of all such people in the upper strata of society in all countries and in all times.

At this stage you will allow me to allude very briefly to the important subject of the prevalence of crimes, which, in the opinion of Mr. Malabari the widows and their relations are obliged to have recourse to for concealing their shame. Dr. Rajendra Lal Mittra of Bengal has made some very judicious remarks on the subject, which are well worthy of a careful perusal. The learned doctor has conclusively exploded this pessimistic theory of Mr. Malabari, by instituting a parallel between the conditions of the widows of India and the maids of England, and has thus proved beyond a possibility of doubt that there is nothing in the nature of the thing to warrant the conclusion of a frightful increase of crimes consequent on the evil attempts of the widows and their relations.

The subject of State intervention in the matter is a delicate question requiring cautious deliberations. Far be it from me even to suspect that our benign Government would ever belie their well-observed promise of a strict neutrality in matters purily social or religious. It would therefore be useless on my part were I to make lengthy observations of the necessity of letting the people alone in matters like these. I would not presume to teach the Government what they already know. It is, I believe, an established maxim that the only help that Government can render to the cause of reformation is "by educating public opinion," which in course of time will grow sufficiently strong to cope with the evils of society. Mr. Malabari, too, is not for any direct legislation on the subject. He simply suggests four points on behalf of the widows for the consideration of Government. They all, however, mean nothing more than the simple proposal of affording all possible facilities and encouragement to a widow seeking redress against "the secret persecution" of the castes. Now, I am humbly of opinion that Government have done all in their power to ameliorate the condition of Hindu widows by passing Act No. XV. of 1856. Any further action which directly interferes with the long-cherished traditions of the people will be of no avail, except to sow broadcast the seeds of discontent among a large majority of Her Majesty's subjects.

In forwarding the above exposition of my views on the subjects, I beg to offer my apology to His Excellency the Governor in Council for the delay caused in the submission of this letter. I further beg to be excused for the trouble which His Excellency will have to undergo in perusing this letter, which has, I am sorry to say, exceeded limits within which I originally intended to confine it.

From Bhaskarao Balgrushnajee Pitale, and Nana Moroba, to the Secretary to the Government of Bombay, General Department,—dated Bombay 14th January 1886.

We respectfully beg to acknowledge the receipt of the Acting Under-Secretary's communications No. 4164 of 1884, dated the 13th November last, addressed to us separately, forwarding for our opinion, a copy of Mr. B. M. Malabari's paper, on "Infant Marriage and Enforced Widowhood in India." At the risk of delay, we considered it necessary, before expressing our opinion on a subject of the highest social importance to the Hindu society and political significance to Government, to peruse carefully the expressed opinions of the leading and learned gentlemen all over India of great experience and influence, and to consult the feelings of some leading gentlemen in Hindu society, particularly of the Dyvudnia community to which we belong, as they had not hitherto stated their views on this all-important subject. Having therefore taken sufficient time to consider well, we are now better prepared to submit our opinion, which in this case is the same, as we both hold exactly the same views. We beg to observe that in the higher castes of the Hindu community only, the system of early marriages, and that of widow celibacy exists. The rest are free to marry their children when they choose to do so, and the widows can remarry when they like. Now-a-days amongst them children are married generally when they are sufficiently grown up, and the widows remarry twice or thrice as occasions occur. Our remarks are therefore intended to apply to the higher castes of Hindus only.

2. The consideration of the following issues, in connection with Mr. Malabari's two Notes, we are of opinion, should not be dispensed with, as being necessary to arrive at a definite conclusion :—

(1) In the present state of Hindu society whether any necessity exists for a change in the Hindu ancient institution of marriage of boys and girls and for the introduction of widow remarriage?

(2) How far the evils described in the two notes of Mr. Malabari have any foundation in fact?

(3) Whether the remedies suggested by Mr. Malabari and his coadjutors will be successful in accomplishing the intended aim?

(4) What will be their effect on the Hindu Society if the suggested remedies were brought into force?

(5) Whether the ancient Hindu institution of marriage of boys and girls has its origin in the Hindu Shastras, or if it is founded only on long established usage of the country?

(6) How far the mischief caused by the existence of the supposed evils, graphically portrayed by Mr. Malabari and his friends, extends?

(7) How far Government legislative action or other sort of interference in this matter is requisite, and whether such action will be in keeping with the Royal Proclamation of 1858?

(8) What will be the political effect of such interference on the country?

(9) To what extent Hindu society is at present prepared to remodel their religious or quasi-religious ancient institution of marriage, and for the introduction of a new innovation, namely, remarriage of widows?

(10) What is the best course for adoption under the present circumstances of Hindu Society?

(11) How far the steps already taken in this direction by some of the Hindu reformers have been successful?

(12) Should Government, however, decide to take action in the matter, whether it would not be politic for them to obtain written opinions of the higher castes of Hindus concerned, at meetings assembled for the purpose of their own community?

3. Having subjected Mr. Malabari's two notes to the test of an examination under the above heads, we have come to the following conclusions :—

(1) We consider change desirable in the present progressive state of Hindu society, but it is not so urgently called for, nor is it so pressingly required as Mr. Malabari conscientiously believes, so as to demand, at any sacrifice, the immediate interference of Government.

(2) That there are certain evils beyond all question, but certainly not to the extent Mr. Malabari and his friends seem to have unwillingly exaggerated, acting probably on unreliable information and assumptions.

(3) The remedies suggested by Mr. Malabari do not at all promise to be effectual in meeting the desired end.

(4) The effect of the remedies suggested by Mr. Malabari, when carried out, would, we think, be disastrous to the Administration, to the cause of education, and would revolutionise the Hindu society.

(5) The Hindu institution of early marriage of boys and girls has its origin, to a certain extent, in the Hindu religion itself, and local practice and long-established custom of the country have blended it with the Shastras.

(6) There are no doubt some unfortunate intances, but in the majority of cases, especially in the higher castes, in which Mr. Malabari proposes a change, the pathetic description of the supposed persecution, tyranny, &c., by him, is chimerical and almost a myth. We fully endorse the view taken of the said Notes by the Honourable Mr. K. P. Telang, C.I.E., in thinking that the majority of widows will not listen, but actually shun the company, nay, detest those sympathizing philanthrophists, who would volunteer advice to young widows, for the sin of remarriage is too deeply engraven at present on their minds. The treatment accorded to Hindu widows, both in Bombay and mofussil during the last decade, is not such as to call forth immediate active interference of the supreme authority in the land.

(7) In all social reforms, we submit, after allowing due weight to the recommendations of Mr. Malabari and his friends, that Government action for effecting reforms is altogether undesirable, the more so in this matter as it has a tendency to be misinterpreted and misrepresented. This will cause silent but direct opposition by the people affected. Act XV. of 1856, "The Widow Remarriage Act" has remained a dead letter, simply because the people do not approve of the measure. Besides, the Royal Proclamation of 1858 would scarcely seem to warrant such an interference on the part of Government. The suttee and infanticide were abolished, not mainly by the stringent Act passed by Government, but by the inward conviction of the people themselves, that they should be discontinued in the Kaliyoga.

(8) The political effect on the country would very likely be that the large Hindu subject population will feel hurt and dissatisfied, nay oppressed, considering it to be an attack on their cherished religious institution. Such a result should be altogether averted.

(9) The present advanced state of the Hindu Society, is prepared for a change to a reasonable extent, and is now rapidly progressing. But all changes must originate with them and not thrust upon them. For that would be resisted with all might, but by exercising caution and judicious handling, a reform may gradually be advanced step by step, and not by starts and jumps.

(10) Under present circumstances, we recommend as the best course to be pursued is to leave the matter entirely in the hands of influential Hindu leaders of the people, educate the masses, encourage female education to the utmost by Government grants-in-aid and multiply associations and meetings of gentlemen of advanced views, where Hindus, and not Parsees, Englishmen and other foreigners, should work to gain the confidence of the people and families, so as to prepare them gradually for social reforms. Such a change, when once effected, though slow, would be permanent and sure. The past social history of India fully confirms this view. The social reformer of Aryavrut must necessarily be a Hindu.

(11) The steps taken by our reformers in this direction are gradually reaping their fruits, the only drawback was, that they went rather indiscreetly too fast for the people to follow them blindly, and therefore were checked in their enterprise. This however did more harm than good. They had recourse to hasty steps, without first creating a sympathy in elderly gentlemen of sound judgment (all of whom are not altogether of orthodox views) and obtaining their approval and consent. Therefore the result was a collapse or failure. Now, infant marriages are not generally in vogue, but are purposely delayed to a period not even sanctioned both by Hindu religion and immemorial custom. Yet nobody seems to object to such an unusual course, simply because it has its origin from within.

(12) In the event of Government deciding to take action in this matter (a course we much deprecate), it would, we think, be expedient for them to consult the views of the people of higher caste of Hindus, at meetings assembled of their respective communities for that purpose, through their acknowledged leaders or heads. For if their co-operation is once secured, much obstruction will vanish, and probably the introduction of a change would be received, at least without a grumble, if not actually welcomed. We find among one of these higher castes, *viz.*, the Dyvudina community, the majority fully concurs with the views herein expressed.

4. The answers to the above twelve queries, we think, almost exhaust the subject under review. It is urged, and not without some reason, that the ancient Hindu patriarchal system of an undivided Hindu family (whereby several male and female members live together under one head who is generally the eldest member in the family) would be disturbed and affected by this change. In this indigent country, the practice of living together under one roof and under one head is a great boon to Hindus, and early marriages (not infant marriages) considerably contribute towards attaining this end. A woman introduced into the family at the age of about twenty, will not easily yield to the orders, wishes, whims and caprices of the old ladies of the family. She will have no sympathy for them, nor will they have any for her. While a young girl at the age of twelve or so, introduced into the family will soon be attached to it. Sympathy for each other will reciprocally be generated in both. On the other hand, in the case of a woman, the chances of a rupture are imminent. This will entail dismemberment of the family and of the family estate.

5. After, therefore, discussing the various *pros* and *cons* of the subject and weighing carefully the various arguments lucidly and eloquently brought forward, both by the staunch advocates on one side and vehement opponents on the other, we have come to the conclusion that the changes sought for may be safely left, at all events for the present, to that gigantic machine, *viz.*, "Education" which is working in right earnest, and is almost in full motion, diffusing its benign influence over every part of this large Peninsula where it is fast spreading. The rapid strides of education must, within a few years (not ages now), work its own end towards civilization. A taste for education is not only now created, but its seeds have been planted and firmly rooted and are rapidly strengthening themselves and growing apace. We beg, therefore, to state that we do not see urgent and immediate necessity for mediation of Government of any kind, much less the enacting of inoperative laws.

6. In conclusion, we wish to express here our high sense of appreciation for the noble feelings which have alone prompted Mr. Malabari to move in this matter of reform. We hope that at an early date Mr. Malabari's proposals of reform he so ardently desires, will be

introduced into the Hindoo Society without any intervention of Government, and that he will have the satisfaction of seeing them working smoothly.

From BHAWOO MANSARAM NAIK, Poona, to the Secretary to the Government of Bombay, General Department,—dated 27th January 1885.

With reference to your letter No. 4164 of 1884, I beg to state that the following is my opinion with regard to the proposal made by Mr. Malabari as regards "Infant Marriages and Enforced Widowhood."

1. In the first place I think that the custom of early marriages is gradually dying out of itself, and that people in general have begun to see the evils atttending early marriages of their sons and daughters, and consequently the wrong which Mr. Malabari seeks to be redressed by legislation, is, in my humble opinion, being naturally got rid of. Therefore I think that this is not a matter urgently calling for Government interference.

2. With regard to his Note on Enforced Widowhood, I beg to state that there is already an Act referring to the rights of remarried widows, and besides, as the remarriage of widows is not sanctioned by our Shastras, it is my humble opinion that this, too, would not be a proper subject for Government interference.

From PREMCHAND ROYCHAND, to the Acting Under-Secretary to the Government of Bombay,—dated 29th January 1885.

With reference to the letter to me, No. 4164, dated the 13th November 1884, received from W. P. Symonds Esq., I have the honour to forward you the following considerations with regard to the papers on Infant Marriage and Enforced Widowhood by Mr. B. M. Malabari.

By introducing the question of infant marriage and enforced widowhood, Mr. Malabari has indeed conferred a boon on the Hindu community. It seems to me that at least some sort of direct interference on the part of the Government is likely to produce a salutary effect.

The evils of infant marriage are not unknown to people in any part of India. As depicted by Mr. B. M. Malabari, they are true to the word. A Hindu girl, while she is but eight or ten, is joined to a boy who is equally ignorant of the world. Even in his minority he becomes a father. We are eye-witness to innumerable instances of sickly children with poverty staring on the face of their parents.

That a girl should be married while she is under twelve is, in my opinion, a pure fiction created by the orthodox Brahmins. As a Jain, I can say, and say it with some ground of truth, that it is nowhere enjoined in my Shastras that the happiness of a girl is to be sacrificed in her minority.

The evils of this pernicious custom are numerous. Mr. Malabari is quite right when he includes, among other evils—"The giving up of studies on the part of the boy-husband, the birth of sickly children, the necessity of feeding too many mouths, poverty and dependence." I am aware of many instances of promising youths leaving off their student life and ready to be employed on any insignificant post. The reason is obvious. The boy not having means to command a liberal purse for the maintenance of conjugal felicity, is driven to suffer any kind of humiliation to be able to earn something. It is then that in the eyes of his relatives he is regarded as a man of the world. As time passes he becomes the head of his family. He is thus ushered into the world at an unnatural age. Mr Malabari's picture of the state of a Hindu bridegroom is, in fact, no exaggeration. The area of my experience may be limited, but so far as Gujirat communities are concerned, I can distiuctly point to instances of men dying under the pressure of such unasked suffering.

Mr. Malabari's suggestion that the University may rule, after a time, that no married man will be allowed to appear in the Examination is in itself good. But before having recourse to such a rule, it appears to me that some direct control had better be exercised over the leaders of such caste, if not over a whole set of castes taken collectively. The restraint put by the University may debar hundreds of promising young men from receiving the advantages of higher education; at the present time, students, at least of the middle classes, have enough of difficulties to contend against in respect of studies in the higher branches of learning,—difficulties due in a measure to the ignorance of the value of education on the part of their parents The University check will operate to free the parents of such students from heavy expenses. The consequence will be that the benefits of education now open to all will be limited to a few. The object of this exercise of restraint by the University is in itself, I admit, good; but before the restraint is put into force, other barriers, it seems to me, ought to be placed. In my opinion

the interference of legislature must be invoked necessarily when the caste cannot be moved to take measures to cure the present evil. Let a law be made that no girl under thirteen should be married, and that there should be a difference of at least three years between the ages of the bride and the bridegroom, the latter having the seniority of age; that betrothal ought to be sanctioned by the permission of a Government officer, so that no ill-sorted marriages may take place. Under the present constitution of Hindu society it must be admitted that heads of castes, who carry great influence over members of their community, can be made instruments of good. Let these leaders once recognize the evils and such recognition is sure to be followed by remedial measures. I heartily endorse the suggestion that some sketches pointing out the evils of infant marriage and enforced widowhood may be inserted in the series of Vernacular text-books used for schools.

Once when an effectual stop is put to infant marriage, cases of enforced widowhood will be very few. However, to encourage directly widows wishing to marry a second time, I should suggest that such widows should retain the same rights of inheritance after remarriage as they had before such remarriage.

The four rules proposed by Mr. Malabari regarding the ruling of the Government in this matter, are, in my opinion, necessary to be enforced.

From VEERCHUND DEEPCHUND, to the Acting Under-Secretary to Government, Bombay,—dated 30th January 1885.

I have the honour to acknowledge the receipt of your letter No. 4164, dated 13th November last, calling for my opinion on Mr. B. M. Malabari's paper on I. "Infant Marriage," and II. "Enforced Widowhood."

Mr. Malabari deserves the thanks of the Hindoo community for the interest he evinces in their welfare, and for the trouble he has taken in bringing the subjects forward. His remarks, however, appear to me to be mere generalizations from a few isolated facts; and I fear he is much too sanguine in the efficacy of the remedies he has proposed. However much he may have the good of the community at heart, he has not shown that he has been able to perceive the difficulties which beset these questions, and the dangers of any direct or indirect State interference with the social and religious customs of the people. In my humble opinion it is highly impolitic for any Government to interfere with popular institutions having the semblance of a sacred character, where life is not at stake, more especially when that Government is alien to the country, and the governing bodies belong to a race different from the people with whom they hold nothing in common as regards matters social and religious. Measures of reforms in such cases must originate with the people themselves.

As regards I. "Infant Marriage," this practice has been in existence in India for ages in all sects, including Parsis and Mahomedans. If the picture drawn by Mr. Malabari were the sequel of such unions, all these sects would by this time have become unfit to be classed in human society. That such is not the case needs no refutation from me. Still the practice, which no one regrets more than I do, is beginning to be felt by a great number of thoughtful people as being a source of disadvantage in the present altered state of things. But though the practice may be bad yet it does not follow that, instead of allowing the people to give it up of their own accord, when by the spread of education and enlightened ideas they are able to see its evils, the Government should force them to renounce it. That would be contrary to the declared policy of the Government to maintain a strict religious and social neutrality in this country. The principal obstacle in the way of the suppression of such practice is the caste system amongst Hindus which divides the community into innumerable ramifications, each in a tangent of its own, and which seriously contracts the area of selection, the more so as intermarriage among blood relations is prohibited with few exceptions. A careful consideration of the subject in all its bearings brings me to the conclusion that no State measure will ever have the effect of doing away with this caste system, and further, that any interference on the part of the legislature at present would be not only ill-advised but also inexpedient.

Besides, it seems to me that for a reform in this direction the influences for working it out must come from *within*. Already a change for the better has commenced to manifest itself. It is true this change is exceedingly small. But the seed has been sown and has germinated, and I think we may safely hope for a fair, if not a good, harvest in due course. It is a noted fact that at the present day there are many Hindus in large towns who delay the marriage of their children to a later period in life than used to be the case a generation ago, and who look upon a difference of *at least* three years in favour of the bridegroom as essential and indispensable in the matching of the pair. There are some parents who go further and do not promise their daughters away without seeing tha the boys to whom they are

to be affianced are likely to do well in the world. Unmarried girls of the age of 12 or 13 years were scarcely known a few years ago. At present they are anything but rare objects, among the Guzeratis at any rate. These are forces which, it will be readily admitted, must acquire strength as time moves on, and I have no doubt that a generation hence, things will be very different from what they are now. Education, advanced intelligence, and a growing interest in the future of those depending upon one, will have all combined by then to solve the problem which now seems to be surrounded with so many difficulties.

As regards II. "Enforced Widowhood," the condemnatory remarks in Mr. Malabari's memorandum are, in my opinion, unjust. The general body of Hindu widows ought not to have been judged by the sins of a few who have strayed from the paths of virtue. Human nature is frail after all, and instances of lachés among women occur more or less in all the countries of the world. On the other hand, remarriage of widows is not prohibited amongst all the Hindus, but amongst those who belong to higher classes such as Banias, Brahmins who hardly number more than the lower classes.

The legislature intervened in 1856 on the representation of some leaders of Hindu society in Bengal, and passed the Act (V.) of 1856 for the removal of all legal obstacles to the marriage of Hindu widows. Government could not have done more. Any one unacquainted with Hindu thought would have supposed that this was all that was wanted to lead to a reform in that direction, but the very men who were loud in invoking the assistance of Government began to shrink from the step they had taken, and the consequence is that the provision of the Act have not yet been availed of except in a very *very* few cases. A Hindu high caste widow considers it to be a sacred duty to her deceased husband not to contract a second marriage, and in ninety-five cases out of a hundred, if not more, she certainly preserves unsullied the sanctity of her devotion to him. This sentiment is observable also among the castes or sects in which widow marriage is in vogue. Nay, it prevails among Parsis and Mahomedans as well. So long, then, as this sentiment holds the sway it wields now, all the legislative pressure possible will not make the widows or their friends consent to a remarriage, and no widower will come forward to take unto himself a widow as his wife, or a parent admit one as his or her daughter-in-law.

I may mention that the condition of the Hindu widows has improved materially since 20 or 30 years. Their position in the midst of their family circles is very different now from what it used to be formerly, and I am impressed with the belief that a generation or two hence, when Hindoo women shall have come fully under the influences of education, which is now being pushed forward so extensively everywhere, and the trammels of caste lost a good deal of their shackles, a reform in the direction wished for will come on spontaneously almost as a matter of course. The best plan under the circumstances is for us to bide the time. The best thing which I am inclined to recommend for the present is for Government and the public to come forward and open as many foundling Hospitals as the funds at their disposal permit, and this measure will apparently do away to a certain extent the evil arising from the prohibition of widow remarriage.

From Mr. Mahadeo Vasudeo Barve, to the Secretary to the Government of Bombay, General Department,—dated Poona, 7th February 1885.

With reference to your letter No. 4116, dated 13th November last, in reference to a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari, I have the honour to state the following.

I.—Infant Marriage.

Mr. Malabari's first note refers to the question of "Infant Marriage in India," and in it he has at some length pointed out the evils arising therefrom to the general community, especially to the young married children. The system of early or infant marriage no doubt leads to baneful results, and it is certainly desirable to induce the Native community to discourage it as much as possible, consistently with their social susceptibilities and religious feelings.

Such marriages do take place in some of the higher classes of Hindu society even up to this day; but as compared with the number of such cases 30 years back they are now comparatively less; and the tendency of the general public is much opposed to it.

It may even be reasonably said that the system in its worst form of "Infant Marriage" is gradually but steadily dying out.

Early or infant marriages are not specially enjoined or prescribed by the Hindu Shastras. They simply permit them, and it was only in well-to-do classes that these were resorted to more out of fashion than as a necessity. But this even is being latterly much disapproved of and

discouraged by the rising generation spontaneously, which no doubt is mainly to be attributed to the contact of western civilization.

It was at one time as much the ambition of a rich father to get his infant boy about 8 or 10 years old married, as of the father of a young bride of 6 or 7 to form an alliance; so much so that in well-to-do families it was oftentimes very difficult to find a grown-up bridegroom for a girl that had remained unmarried till when 8 years old owing to circumstances beyond the control of the parents. This state of things has, however, much improved now, and many well-to-do families allow their girls and boys to remain unmarried until the age of 8 and 15 years respectively, and even some girls remain unmarried till 13. Thus it is apparent that a change for the better is coming upon the social feelings of the Hindu parents as regards the proper marriageable age of their children; and young widowers now-a-days eas ily find brides 12 or 13 years old.

Looking to the Shastras themselves, it will be found that a girl has to be married before she arrives at the age of puberty, but no maximum limit is laid down for the age of the bridegroom. It may therefore be safely hoped that the most religious Hindu parents even will in time, according to the already existing tendency, see fit to allow their boys and girls to grow up sufficiently before they undergo the ceremony of marriage according to the Shastras. The mere fact of marriage, again, does not necessarily call for immediate consummation after the performance of the ceremony. I would therefore leave it to the good sense of the parents and the leading members of the community themselves to adjust this matter rather than have recourse to any legislation, which Mr. Malabari even does not himself seem to seek. Any State legislation besides, in reference to a purely social question so intimately connected with the religious feelings of the society is, I think, quite uncalled for.

Mr. Malabari's views in the matter expressed in the last paragraph of his first note, as regards indirect efforts by means of special chapters in school-books pointing out the baneful effects of early marriages, and sympathetic action on the part of the officers of the Administration as suggested are very commendable.

Instances of another form of objectionable marriages quoted by Mr. Malabari in the second paragraph, *viz.*, of a girl 12 to 15 years old with a boy of 8 to 10 are rare occurrences in the Deccan and southern parts of the Bombay Presidency, but wherever they exist they should be discouraged by persuasion only as above suggested. Any special legislation or authoritative order is, in my humble opinion, likely to be misconstrued by the masses of the public into a direct interference with their long-established religious institutions.

II.—Enforced Widowhood.

Widowhood of the nature pointed out exists amongst Brahmins and other higher Hindu classes only. This is, however, a very delicate question, and being one intimately connected with the feelings of the society, I do not see how any authoritative measure is likely to give general satisfaction. The less interference on the part of the State in this matter, the more will it serve the cause I think. A change in the right direction is already working on the feelings of the parties concerned, and it might as well be entirely left to time and to the rapid progress that education is now happily making amongst both the male and female members of the society.

It might more appropriately be left to the National Associations for social reform as suggested by Mr. Malabari in the last paragraph of his note on the question of "Enforced Widowhood." The sympathies of the general public thus enlisted will, I believe, have a better effect in ameliorating the condition of the unfortunate widows.

From Narayan Ganesh Chandavarkar, to the Under-Secretary to the Government of Bombay,—dated Bombay, the 7th February 1885.

I have the honour to acknowledge the receipt of your No. 4164 of 1884, dated the 13th November last, General Department, enclosing copies of Mr. B. M. Malabari's note on Infant Marriage and Enforced Widowhood, and requesting me to furnish His Excellency the Governor in Council with my opinion regarding the proposals made in the said notes. I am also in receipt of your No. 296 of 1885, dated the 28th ultimo, General Department, requesting me to expedite my reply.

2. As to infant marriages, I generally agree with Mr. Malabari that the time has arrived when, without violating or seeming to violate the policy of religious and social neutrality, to which it has hitherto strictly adhered, Government might safely interest itself in the question of discouraging such marriages. There is no fear now that action on the part of Government in any shape whatever may be misunderstood and may give rise to political dangers, for with the diffusion of knowledge and the spread of education on the one hand and the gradual displacement of the older people by a new and more enlightened generation of Natives, on the

other, the Hindu community have come to perceive the evils of the custom of early marriages. Although the influence of caste is still powerful, yet things are tolerated now by it with silence, if not with approval, which ten years ago incurred its severest displeasure and were met with excommunication. The reason of this slow change which has come over the Hindu Society is that the older people, who are such strict observers of the rules of caste, are afraid of alienating the sympathies of the new generation, while the latter do not wish to bring matters to a crisis, seeing that things are of themselves gradually tending towards the best. Government could not better avail themselves of the situation than by supplementing the efforts of those who desired to put down early marriages by judicious action on their part. Legislative interference, it seems to me, would be most undesirable. What is wanted is indirect help from Government. Mr. Malabari, I observe, proposes that "the educational authorities might rule that, notice being given, no married student shall be eligible to go up for University Examinations say, five years hence." But that would be an extreme measure, and might check the progress of education, thus depriving us of the very agency through which we must seek to enlighten popular ideas and secure the permanence of good reforms. What seems to me a better and more practicable modification of Mr Malabari's proposal is that Government might begin for the present, by declaring that *all scholarships and prizes with which the Universities, Colleges and schools are endowed should be held by, and awarded to, none but the unmarried.* Such a declaration is not likely to offend any one. The only objection that I see at present to this latter proposal is that its result will reach a very few of the numerous young men that attend educational institutions. But nevertheless it will be a safe and good beginning to make. I do not think any other measure would be received with approval by the public. At the same time I most cordially agree with Mr. Malabari that the personal influence of European officials in the mofussil can afford the movement against infant marriages some encouragement. They ought to interest themselves in the question more actilvely than they have hitherto done. Seeing that in certain respects the Hindus have socially advanced, and that the evils and responsibilities of an early marriage are more and more perceived, by none more strongly than by the rising generation, I entertain the hope with some confidence that some years hence society will recognise the necessary of giving up the custom. In the meantime Government ought to help on the new tendency by means of gentle measures and of these none better suggests itself to me than the modification I have referred to above, of one of Mr. Malabari's proposals.

3. On the question of widow marriage, I think that the Government has done all it could do by legalising such marriages. It depends now on the society to bring out the reform. I approve, however, of one of Mr. Malabari's proposals on this subject, *viz.*, that "every widow, of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication) and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp-duty, attendance at Court and so on."

From KURSANDAS VULUBDAS, to the Under-Secretary to the Government of Bombay, General Department,—dated 10th February 1885.

With reference to your letter, General Department, No. 4164, dated 13th November 1884, asking my opinion on the paper on "Infant Marriage" and "Enforced Widowhood" by Mr. M. B. Malabari, I have the honour to submit the following observations for the information of His Excellency the Governor in Council.

In my opinion the picture drawn of the evils of the early marriage and enforced widowhood by Mr. Malabari in his paper is true to the very letter and not in the least overcharged. Being a member of a community in which both of the above evil customs are in vogue, I am really so much horror-struck at the disastrous results thereof, that I am almost inclined to suggest to Government to lose no time in suppressing these long-existing evils, which have been the source of detriment of social and domestic happiness and physical deterioration of my countrymen, by the powerful aid of law. But I am prevented from doing so by the fact that, under the present circumstances, legal measures in such matters will prove a source of terror and tyranny among the poor and ignorant classes. I therefore cordially approve of the remedies proposed by Mr. Malabari which, in my opinion, will check the evils gradually without telling hardly upon the people, and without interfering with their religious scruples.

Mr. Malabari has undoubtedly conferred a great obligation on the people of this country by bringing these evil customs so ably to the notice of Government, and I trust and hope that Government will meet his proposals in these important matters with the same spirit in which they are made by him.

From Dewan Bahadur MANIBHAI JUSBHAI (Dewan of Cutch), to the Under-Secretary to the Government of Bombay, General Department,—dated 10th February 1885.

Referring to your letter No. 4164 of the 13th November last, I have the honour to submit the accompanying memorandum which contains my views on Mr. Malabari's paper on "Infant Marriage and Enforced Widowhood."

Memorandum.

Having received from the Government of Bombay a copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari for an expression of my opinion regarding the proposals therein made, I beg to record the following observations.

2. Mr. Malabari has certainly done a great service to the Hindu community by bringing forward subjects so vitally affecting their welfare and advancement, and our best thanks are due to him.

3. There is no doubt that the evils pointed out by Mr. Malabari do exist; their extent has, indeed, been made a subject of controversy by some writers, but the points of difference scarcely need any special notice here. It may, I think, be safely assumed that the educated Hindus, as a class, regard the custom of infant marriage and enforced widowhood as baneful, and that the necessity of adopting some remedial measures in that connection is fully recognized. I shall therefore at once proceed to a consideration of the remedies suggested in Mr. Malabari's valuable paper.

Infant Marriage.

4. The first suggestion is that the University should pass a rule that "Due notice being given, no married students shall be eligible to go up for University Examinations, say five years hence."

5. The subject of marriage being so eminently social, and one which concerns the Hindu society at large, I thought it advisable to invite the principal gentlemen of our community at the Capital of the Province of Cutch, to a consultation, who, after a lengthened discussion, almost unanimously expressed strong objections to the adoption of the suggestion referred to above in paragraph 4. They urged that in the solution of a social problem like the one under reference, the actual state of education among the masses, especially females; the peculiar customs which have hitherto regulated (or, in my opinion, rather misregulated), marriage transactions, the complicated constitution of Hindu castes, and several other matters too minute to be detailed, form an important factor which cannot be ignored, and that, under present circumstances, any restriction such as the one proposed as regards the University Examinations, would prejudicially affect the cause of higher education. In the Kurdwa Kunbi Caste marriages take place at an interval of 12 years, the custom being based on a supposed oracle of the goddess; amongst some other castes it has been customary to celebrate marriages at certain intervals, with a view to ensure a saving of expenditure connected with caste feasts; some castes again are very limited in extent, and in some, the number of girls is extremely small; moreover, Hindu parents generally do not keep their daughters unmarried beyond 12 years, and education has as yet made so little progress that in the struggle which the proposed restriction must give rise to, between marriage on one side and higher education on the other, the former will in most cases, be preferred to the latter. And after all, considering the vast magnitude of the Hindu population, the number of boys going up for University Examinations is so small, that the new rule will, if at all, give but a very insignificant relief, and it is a serious question for consideration whether this inappreciable gain should be purchased at the risk of impeding the growth of higher education.

6. Such was the line of reasoning adopted by the persons I consulted, and, after a most careful consideration of the subject, I am not prepared to say that the proposed restriction will be an unmixed good. I consider the intellectual advancement of the people of India as the main basis of their regeneration, and should always view with disfavour any proposal which will in the least degree tend to retard the educational progress of the country. From my experience of the existing caste system and the limited extent to which education has as yet reached the masses, I am inclined to doubt the expediency of adopting the remedy suggested; it is not improbable that higher education may thereby be adversely affected, and thus, while trying to obtain an advantage in one direction, we may lose a greater one in another.

7. Nor do I see the justice and advisability of rejecting a married candidate for the public service in favour of an unmarried one. As matters stand at present, the marriage of a boy is a circumstance over which he has scarcely any control; it is the result of a bad social custom, which should, no doubt, be boldly attacked and put down; but it will be hardly equitable to make the victim of that custom pay so heavy a penalty as exclusion from public service for no fault of his.

8. I am of opinion that rather than adopt indirect measures of questionable expediency, it would be preferable to meet the difficulty in the face and see if a remedy is possible.

9. Strictly speaking, social reform must spring from within as the result of education and progressive civilization in a community; and under the fostering care and protection of the benign British Government, this operation has been going on in India. The progress, however, towards a consummation of complete reform is necessarily slow, and if we trust to that alone it will be a long time before the final goal is reached. The question then is, shall we be what Mr. Malabari so aptly terms, let-alonists, or whether the special circumstances of the case do not justify the adoption of a special remedy, and if the latter, what that remedy should be.

10. I think that a special remedy is required, and that it should be supplied by the Legislature lending the support of its coercive power to the aid of the reformer.

11. As it is, the educated gentlemen of the Hindu community are striving to bring about a reform in their marriage customs, but it becomes difficult to ensure a complete accord among all the members of a caste, even when a given number of educated persons agree among themselves that no marriage should take place until the child attained a certain age, instances of breaking down, when the time comes for action, do occur, and coercive strength and will to enforce performance are found wanting. What I suggest is that the legislature should supply this missing link, and I beg to state, how, in my humble opinion, it can be done with advantage and prospect of success.

12. I recognize the general principle that in a social matter like marriage, legislative dictation is undesirable. I propose to obviate this difficulty by providing that legislative action should come into play only on due application from the community concerned. There is ample warrant for this procedure; the Parsee Matrimonial Regulations and the Khoja Succession Bill were all conceived in this spirit, which might well be applied to the case of a Hindu Infant Marriage Law.

13. There is, however, one particular in which a difference will have to be made in the case of special legislation for Parsees and Khojas, and that proposed for the benefit of the Hindus. The former was, I conclude, based on applications made at the outset by the communities concerned; as regards the Hindus, they are split into so many castes that no combined action within a given time can be expected; the way in which I propose to overcome this drawback, is that the legislature may at present pass an Act on the basis of Act XXVI. of 1850 of the Indian Legislature, *viz.*, "an Act to enable improvements to be made in Towns." For facility of reference, I append a copy of the first five sections of the said Act, from which it will be seen that in the early days of municipal improvements in the mofussil, Government passed an Act regulating how municipal administration should be carried out in district towns, but that its actual introduction into any particular place was dependent on the application of the inhabitants. The special Act proposed above for regulating Hindu marriages, should, on the same model, be a declaratory enactment, stating what the legislature will be prepared to do for the Hindus if they applied that the benefit of the Act should be extended to them. It will then be for the educated men of each caste to induce a majority of their fellow brethren to join in making such an application; and their efforts, supplemented by spread of education, will, it is hoped, gradually ensure most of the Hindu castes coming within the pale of the proposed special legislation.

Appendix A.

14. The special Act need only be a brief one. It should prescribe the minimum marriageable age, and lay down working details. The recently appointed local Boards and Municipalities can be well utilized in this connection.

15. It will be premature to say much on the question of age at present; I may, however, mention that in order to hold out inducements even to the most orthodox to join in the movement, a low standard may at first be aimed at, and a gradual ascent in the scale may be made permissible. What I would do is to prescribe three classes, leaving it to the people to apply to be placed in any one they may be prepared for. The third or the last class should be that in which the minimum age for the marriage of children of both sexes should be 10* years. In the second class the age of the girl should be 11, and that of the boy 14; in the first class, the age of the girl should be 12, and that of the boy 16. This is, however, a matter of detail which can be settled after mature discussion and deliberation.

* I say 10, as that is most consonant with the prevalent ideas on the subject.

16. It is with considerable diffidence that I have ventured to make the above suggestion. The consent of the people themselves removes the proposed legislation from the category of undue interference with social customs, and the existence of an enactment will, I believe, materially aid the efforts of the reformers. I am fully persuaded that an artificial help like this will considerably accelerate the attainment of the desired end.

17. There should be pamphlets published on the subject, and special lessons introduced into the reading series as suggested by Mr. Malabari. The Native Press may also lend its co-operation; all these expedients, supported by the proposed special legislation, and the progress of education, may, I trust, have the effect, in a few years, of removing the reproach under which the Hindus have been labouring so long in respect to their marriage customs.

Enforced Widowhood.

18. I quite concur with Mr. Malabari in thinking it desirable that strenuous exertions should be put forth to promote widow remarriage. The law has legalized such marriages, and facilities in the shape of remission of court fees, gratuitous services of counsel, &c., may be advantageously offered to the widow for enabling her to obtain legal protection. I do not think, however, that any interference by Government in questions of caste would be consistent with the sound principle of neutrality generally observed in such matters; nor will such a step be desirable, except on the special application of the communities concerned.

19. The idea of establishing a National Association for social reforms suggested by Mr. Malabari at the conclusion of his paper is excellent, and has my hearty approval.

APPENDIX A.

Extracts from Act XXVI. of 1850 of the Indian Legislature entitled "an Act to enable improvements to be made in Towns."

"Whereas Act X. of 1842 was passed for enabling the inhabitants of any place of public resort or residence under the Presidency of Fort William, not within the town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of towns in the other Presidencies under the Government of the (East India Company) it is enacted as follows:—

"1.—Act X. of 1842 is repealed.

"2.—If it shall appear to the Governor or Governor in Council or Lieutenant-Governor of any Presidency or place within the territories under the Government of the (East India Company) that the inhabitants of any town or suburb, not within the town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said town or suburb in any other manner, the said Governor or Governor in Council, or Lieutenant-Governor, may order this Act to be put in force within such town or suburb.

"3.—Whenever any application shall be made to the Government for putting this Act in force in any town or suburb, notice thereof shall be given in the Government Gazette of the Presidency or place, and also by proclamation, within such town or suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb who are minded to declare themselves for or against the adoption of this Act therein for such purposes or any of them.

"4.—The Governor and Governor in Council, or Lieutenant-Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same shall make a final order, which shall be published in the Government Gazette, and also notified by proclamation within such town or suburb, to the effect that the application appears or does not appear, to be according to the wishes of the inhabitants, either wholly or in respect to one or more of the purposes in respect of which it is made, and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such town or suburb for such purposes only as shall be mentioned in the order.

"5.—Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said town or suburb, for such purposes as are mentioned in the order, and the making and publication of the said order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said town or suburb for such purposes as are mentioned in the order."

From MR. NÁNÁBHÁI HARIDÁS, to the Secretary to the Government of Bombay, General Department,—dated Bombay, the 10th February 1885.

In reply to your letter No. 4164, General Department, dated 13th November 1884, I have the honour to report, for the information of His Excellency the Governor in Council, my opinion on the proposals made by Mr. B. M. Malabari in his notes on "Infant Marriage" and "Enforced Widowhood."

2. I have carefully read those notes and also a good deal of what has appeared in the press from time to time since their publication. It seems to me that, being a Parsi, Mr. Malabari can have very little personal knowledge of the subject he writes on; and that he has accepted on trust much which to better informed persons appears considerably exaggerated. Take for instance his two classes of "the most obnoxious amongst early marriages"—1, "the marriage of an infant girl with an old man—the object generally being for the bride's father or relatives to secure money from the bridegroom;" and 2, the marriage of a girl to a boy younger than herself in order that, as insinuated, she may be used as a wife by the boy's father or elder brother who may happen to be a widower. What proportion do such marriages bear to all marriages in a year? Are such exceptional cases deviations from the general rule—which from fear of public opinion must be few and far between—to be regarded as constituting a practice? Take again his statement of the extent of infanticide, and the "regular system of free masonry maintained for the purpose." Such insinuations against the people generally, implying a conspiracy between them and the Police, are not to be believed without sufficient evidence.

3. With the Hindus, marriage is a religious sacrament (sanskara). According to all the authorities on the subject, its performance in the case of a girl cannot be delayed beyond a certain period, and according to some authorities its performance a year or two before is most meritorious. That period is puberty, which is generally attained in India at the age of 12. So long, therefore, as the masses of the people continue to pay respect to those authorities, there is not much hope of the maximum age for a girl's marriage being raised.

4. Government cannot, consistently with its avowed policy, and ought not to, interfere in purely social and religious matters. However unreasonable certain usages and customs in India may appear to foreigners, it must not be forgotten that to the people at large, among whom they obtain, they appear in another light, and that the fact of their having existed for centuries is in itself some evidence of their being adapted to the circumstances of the people. Notwithstanding all that one hears now and then of "ill-assorted" marriages entailing "life-long misery," I am disposed to think that our conjugal relations are on the whole more satisfactory than those among other people. Our domestic differences are certainly fewer, and when they arise we arrange them without having recourse to matrimonial or other tribunals.

5. Mr. Malabari proposes to enforce celibacy up to a certain age in the case of boys through the officers of Government in the Educational and other departments. But, leaving aside the impolicy of such interference, may not enforced celibacy produce its own evils? Besides, such influence and pressure can have no effect whatever beyond a very limited area—the masses of the people not wishing to be either University graduates or Government servants.

6. In his Note on Enforced Widowhood, Mr. Malabari proposes four remedies, all of them equally inefficacious. I will briefly deal with them in their order—

I.—As to the first, while a widow is a minor, she cannot act for herself. Is her guardian then to be compelled to get her remarried against his own will and against his religious convictions? And after she attains majority, if no member of her caste wishes to marry her, what is to be done? Is some one, whom she may choose, to be compelled to marry her? In passing Act XV. of 1856, Government have gone, I think, quite as far as they can go in such a matter. All legal impediment to the marriage of widows is removed. The rest is left to the spontaneous action of the parties concerned.

II.—As to his second remedy, it is difficult to understand what is meant by the "perpetual seclusion" of a widow. One has only to pass through a Hindu street to see that widows go out of their houses quite as much as married women. A Hindu widow observes mourning for her deceased husband for a year or two years, during which time she confines herself to her house. I don't suppose it is proposed to appoint a special Police with power to enter female apartments in private houses and have secret intercourse with widows residing in them, without the permission of their male relatives during such period. Of course wrongful restraint or illegal confinement is quite another thing and is already punishable under the Indian Penal Code.

III.—As to the third remedy, "social ill-usage (over and above excommunication)" is beyond the power of Government to remedy. If people won't invite a widow

to dinner or to a marriage, or if they won't send presents to her which they do to other women, it is their affair. No coercion can be used against them.

IV.—As to the fourth remedy, it is not the priest, whom it has latterly become the fashion to blame for many things for which he is not responsible, but the caste that excommunicates. It is for the caste to consider with whom to associate or not. If the caste finds that some persons have violated its rules and that others have aided and abetted them in so doing, why may it not exercise its undeniable right to cease to hold intercourse with them all?

7. Until the views of the people generally change, no action on the part of Government will have any appreciable effect in preventing infant marriage or promoting widow remarriage. Social reform associations exist and have existed for years in almost all the large towns in this Presidency; but the reformers are a mere drop in the ocean, and up to this time they have not met with much success in their efforts. But they are gradually increasing both in numbers and influence, and as education advances they will be able to accomplish much which at present may seem almost impossible. Any interference of foreigners, official or non-official, and whether Parsis or Europeans, in such domestic, social and religious matters, may possibly be misconstrued and resented, and the desired reforms thus delayed longer than would otherwise be the case.

From Mr. Vurjeebandass Madowdass, to the Secretary to the Government of Bombay, General Department,—dated Bombay, the 11th February 1885.

I have the honour, with reference to your letter No. 4164 of 1884, to submit herewith my opinion regarding the paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari of Bombay.

Marriages of boys and girls under the age of puberty prevail undoubtedly to some extent in this country; but I do not believe that generally speaking they are productive of discord between man and wife, after they come to live together, to a much greater extent than would be the case if the marriages occurred at a later period in life. But there is a growing disposition, however, among the more intelligent portion of the Hindus to put off the marriages of their children to a more becoming age. This tendency I am certain is slowly but steadily increasing among the "educated class" of the people including all castes. The matter should be allowed to remain in the hands of the people. The adoption of any legal or other coercive measure on the subject on the part of Government I would decidedly deprecate.

Regarding the subject of "Enforced Widowhood," I would also urge non-interference on the part of the State. It must be remembered that the larger portion of the people, although known as Hindus, but belonging to the lower castes, do not follow this practice. It is confined to the higher castes. I believe that the remarriage of widows is prohibited in the religious books of the Hindus, and as long as this belief is entertained by the people interested, I think it will be unwise that Government should interfere in the matter.

From Mr. M. G. Ranade, to the Under-Secretary to the Government of Bombay, General Department,—dated Poona, the 12th February 1885.

With reference to your letter No. 4164 of 1884, and the expediter No. 296 of 1885, I have the honour to submit herewith my opinion regarding the papers on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari, copies of which were sent to me for consideration.

The delay in forwarding my reply was due to a desire to see the results of a fuller discussion of the subject, which was carried on in the newspapers and in public meetings held here and elsewhere, both among the orthodox and reforming sections of the community. I had good reasons to hope that, as the result of several meetings held here, a sort of general agreement would be arrived at among the leaders of native public opinion who were consulted on the subject. So far as the proposal to push on the age limits for boys especially, and also for girls is concerned, I am glad to see that such an agreement has been arrived at. As to the best method of giving effect to these suggestions, the divergence of views is, however, so radical as to be irreconcilable, and I have therefore sent herewith an expression of my own individual views which, I regret, differ from those of my friends in many important respects. I humbly submit that Government, instead of consulting each individual separately, would have rendered more practical assistance to the discussion and settlement of these questions, if the matter had been submitted to the joint-consultations of an assembly of representative English and Native gentlemen from all parts of the country. Even now I submit it is not too late for Government to appoint a Commission with power to make inquiries and receive evidence of the customs

and local usages of different Provinces and castes. Such a Commission would be able to formulate proposals, and submit recommendations for the further consideration of Government in the executive and legislative departments.

Observations on Mr. Malabari's Notes on Infant Marriage and Enforced Widowhood in India.

1. Mr. B. M. Malabari, when he first published these notes in the *Indian Spectator*, sent a copy of them to me for my opinion. My reply to his letter has also been published in that newspaper. It was not possible, under the circumstances, to do anything more than express a general sympathy with the agitation Mr. Malabari had set on foot. As a Parsi gentleman he could not be expected to know all the ins and outs of the bearings of these reforms as they affect Hindu society, and a private communication was not the place to set him right on all points in which, from excusable enthusiasm, or ignorance, he was led to take an exaggerated view of the extent and character of the evils under consideration. I find in some quarters that Mr. Malabari has been found fault with for meddling and muddling in affairs which do not directly concern him. I can never bring myself to share in this view. A cultivated and well-intentioned foreigner enjoys certain advantages over a native critic of our social customs, and in the case of Mr. Malabari, he combines the foreigner's freedom from prejudice with a native's sympathy, bred from long association with our people. The most unnatural social arrangements, if one has been brought up in their midst, fail to rouse indignation, and the first thought is how best to justify their existence, or to minimise their evils. A sympathising foreigner is not subject to these influences, and sees things in their true light, and it is not a healthy sign that we cannot welcome his help, but feel tempted to resent his meddlesomeness.

2. Another excuse often put forward in self-justification is also equally untenable. Social anomalies exist in every community, and every section of the population, which is attacked in its weak points, retorts by trying to tread upon the toes of those who attack them. This line of argument also appears to me to be most fallacious. Each social anomaly must be discussed on its own merits. It brings no comfort to the suffering victims to point out that there are similar wrongs committed elsewhere. This is only a reason for not losing patience. It furnishes no excuse for complete inaction.

3. A third way of escaping out of the difficulty is to show that the magnitude of the evils complained of is needlessly exaggerated, and that after all the existing state of things is not so bad as outsiders in their ignorance imagine. Unlike the two previous excuses, there is greater force in this objection. A statistical study of figured results is always of great disciplinary value in regulating well-balanced action and sympathies. Mr. Malabari, it must be confessed, has laid himself open to this charge of exaggeration, and he ought to thank the editor of the *Poona Sarvajanik Sabha's* quarterly journal for having supplied this corrective measure to his otherwise unguarded statements. There can be no doubt that the evils complained of are not so general nor so great as at first sight they appear to be, nor can it be said that there is no other side to the question. At the same time the statistical argument may be pushed too far, and may serve to blind, where it is intended to enlighten, the vision. Granted that the evils of 'Infant Marriage and Enforced Widowhood' affect a much smaller number of individuals, and affect them less rigorously than Mr. Malabari is inclined to admit, it does not follow that this circumstance in any way diminishes the gravity of the evil as far as it is admitted to exist, or lessen the responsibility of timely and sedative action on the part of those who are called upon to lead social movements in these matters.

4. After disposing of these preliminary objections, I shall next proceed to the consideration of the principal subject. After making all allowances, it cannot be denied that Hindu society contrasts very unfavourably with all other civilized races in both the points noticed so prominently by Mr. Malabari. It is also not denied that early marriage leads to early consummation, and thence to the physical deterioration of the race, that it sits as a heavy weight on our rising generation, enchains their aspirations, denies them the romance and freedom of youth, cools their love of study, checks enterprise, and generally dwarfs their growth, and fills the country with pauperism, bred of over-population by weaklings and sickly people, and lastly, that it leads in many cases to all the horrors of early widowhood. All admit that in both these respects reform is desirable. How to achieve it may be open to question, but the fact itself cannot be and is not denied, even by those who take the extreme view that no remedial action is possible or desirable. With those who are so wedded to the existing arrangements as to maintain that they are the best possible that can be conceived, it is useless to argue, for they ignore history, they ignore their best traditions, they ignore the dictates of their most solemn religious texts, they violate their natural conscience, and their sense of the fitness of things. They ignore history, traditions, and religious texts, because they know full

well that the existing arrangements are later corruptions. The *Grihya Sutra* texts, the earlier *Smritis*, and the great epics, all contemplate and illustrate a state of society where both men and women attained mature age before they took upon themselves the responsibilities of a married life. Women were educated and sent to school, being eligible for the *Upanayan* or initiation ceremony. The boys had a twelve years' school course (A svalayan Sutra No.) during which they were required to observe a self-denying course of life, in which abstention from sexual intercourse occupied a prominent place (Apastambha Sutra No.). The declarations made at the marriage celebration by the bride and the bridegroom, the significance of certain of the rites themselves, especially the fourth day ceremony, all tend to show that these rites and declarations were not meant for children in their teens. Marriage itself was a voluntary condition to be assumed when its necessity was realised. The woman, married once by pledge of word or by gift of hand, was open to the choice of marrying again under certain contingencies, equally with the man. These occasions were so numerous, in the first instance, that they had to be cut down to five contingencies. All this history is plainly spread before us, and it shows the greatness of our present fall from a time, which, with strange inconsistency, we still regard as our venerated and ancestral past. These people violate their natural conscience and their sense of the fitness of things because, while they mumble the old rites, and pronounce the old declarations, they virtually trample them under foot, and while the men reserve to themselves all manner of freedom, no such measure of liberty is allowed to the poor woman, even when widowed in childhood. These men virtually place themselves out of court in this discussion, and although they are strong in numbers and prejudices, their numbers will not avail them, and their prejudices are not entitled to much sympathy.

5. The real controversy is thus confined within narrower limits. It concerns the question how we should deal with these evils. There are among the friends of reform those who think that the evils are gradually disappearing, and for their total abolition we must depend exclusively upon the growth of education, or upon a change in our public opinion, or upon a revival of our religious spirit, and that nothing can be done by direct State action. I am fully alive to the force of these considerations. I set most value upon the revival of the religious spirit among us, for till such a renovation of the heart is accomplished, men will never learn to be fully in accord with their best natures, and will not be inspired with the warmth which it is necessary to feel in such matters for practical action to result in good. I set no less value upon the spread of education, and the growth of public opinion. These are necessary and indispensable factors, without which State action will always be futile. One reason why State action is now urgently called for is, that these agencies have been working for a considerable time past, and they have prepared the ground sufficiently to make State action intelligible and beneficial. These agencies are undoubtedly working for us, and they are likely to work greater results in the future, if they are concentrated, emphasized, and properly directed by corporate State action. The scattered forces will thus be brought into a single focus and in their united strength will bring about the desired end earlier, and with far less expenditure of national energy, with a very limited help than without it.

6. It is, however, contended that these matters do not belong to the functions of the State I contend that this narrow view of State activity is not based on correct knowledge. The State is the nation itself, as represented by those who are its leaders in thought and action. To maintain that these leaders can act as private individuals separately and may not join hands together, is an open contradiction. What members of the body politic can do best by associating themselves in a body, or better than individuals can do by working separately, may be done in the name of the State. Social reform, so far as it is confined to the fixing of minimum limits of age, when men and women can do acts for which they are held responsible, implies a social compact or agreement among the leaders of society, and this circumstance has been held to justify the State in fixing the age of civil majority; as also the responsible age for certain classes of offences. This question, therefore, is one which the State can deal with best, certainly better than any private action could regulate it.

7. But it is asserted that we have no right to force our views upon an unwilling majority. This may be at once conceded, so far as any application of mere force is concerned; but when this argument is put forward, it is forgotten that the limits of age proposed are in accord with the usual and approved practice in most well-regulated households. The thinking and responsible portion of the community press this reform on the same grounds that justify the enactment of all coercive law, civil or criminal. The majority are not unwilling, they are inert, and their inertia encourages the evil-doers to break the rule with impunity. If this argument be valid, it would put an end to many most useful practical reforms set on foot in one administrative machinery. A large number of people do not like sanitation or vaccination, and they do not like to be taxed for schools and roads, and yet we do not comply with their

wishes. Even in the most free countries, the final power of choice and action does not rest with the numerical majority but the majority only determines the choice of those individuals to whose guidance it will submit. These few leaders can never have force with them. They must appeal to higher principles of justice, of expediency, and right, and if these principles warrant a certain course of action, they must act with their best lights.

8. But it has been said that all this may be true in free countries, where the people have a choice of their rulers, and can have no application in a country subject to foreign rule as India is. It is urged that the foreign rulers of India are so different from the subject races in their religion, manners, and customs, that such a power cannot be entrusted to their hands safely. This argument, however, cuts both ways; for, I think, if the fact of foreign rule is to shut us out from all corporate action, we may at once cease all our activities. Where the interest of foreigners clashes with ours, this caution may be necessary and justifiable, but in this case the interests do not clash, and I maintain that the distinction of foreign and native rule has no place. The rulers and the ruled have the same interests, and the ordinary analogies of a self-governed State hold good in India as elsewhere. If the rulers were really selfish, which they are not, nothing would be more natural for them than to wish that we should continue to be a fallen and degraded race, dwarfs in mental and bodily stature, pigmies of men and women, marrying and breeding a race fitted only to serve without aspirations, and a burden to the soil. The rulers, however, do not wish this. They originate nothing. They place themselves at our service ready to do what we wish them to do in our interests. Under these circumstances to look upon the ruling body as a separate entity, with hostile interests, and to shun their good services, is as foolish as it would be for a man with a diseased heart to shut the doctor because he was not of kin and kith with the patient. In these matters, the State in its executive and legislative capacities is only the minister to give formal expression and legal validity to what the best, the wisest, and the purest minded men are inclined to support. I grant that the Legislative Councils, as at present constituted, cannot grapple effectively with these questions. A more liberal representation of native interest is desirable, and in a matter like this the State will be but too willing to convene an assembly of our notables, and listen to their representations in the way it has already done for Parsis, and proposes to do for the Khojas. A commission of inquiry and a conference held under State auspices would be preliminary steps, and we should agitate for them, but it will not do for us to fold our hands and say that, as long as we are under foreign rule, no reform of our social arrangements shall be undertaken. India cannot hope to be the master of its own destinies for centuries to come, and till then I do not see that it is either manly or wise to sit still, and let things take their course.

9. There is one consideration in addition which has to be borne in mind in the present discussion. If our society had a self-regulating power in any of its relations, I could have certainly understood the hesitation felt in respect of State action. By force of long habits and traditions, however, our social life is bound down to a set of rules which prevent theoretically any change. The religious texts, which are supposed to regulate our life, are immovably fixed, and we cannot adapt them, or change them, nor better them to suit changing conditions. Our civilization has been smothered by this bondage to past ideas. The only way in which our emancipation can take place is to withdraw one by one these fetters of so-called religious injunctions, and turn them into civil restraints, which are more amenable to change and adaptation. This is the weakest point of our social system, and I do not see how we can get rid of it if we are to abjure all State help in such purely civil matters as fixing the age when a man or woman may be bound in the tie of marriage. The jurisprudence of every other nation, ancient or modern, has always regulated these limits of age, and we must do likewise if we wish to secure progress in these matters. It is not in fact putting on new chains, but removing old ones, or rather substituting flexible for inflexible bonds, that we seek in advocating State interference in the regulation of age limits.

10. It may be fairly contended that State action can lead to no great results. This is, however, not a drawback against, but a recommendation for, change. No sudden elevation of age is desirable or possible. We have a slow progress to make in this matter if our progress is to be sure. It is only necessary to put the stamp of general approval upon the best of the existing usages and customs. Such an approval will strengthen public opinion and will secure the growth of education, otherwise so heavily handicapped by the existing customs. We shall also promote true religion, and above all we shall really make no innovation, but return to the best traditions of our race, and rehabilitate the most venerated texts. For the present it has been ascertained that 10 to 12 for females and 16 to 18 for males is a common age-limit, and is not opposed to the Shastras, and is sufficiently in advance of existing usage to justify its adoption as a general law, subject to exceptions in particular castes and localities. I would not, in the first instance, go further for the present, I would allow time to develop the action

of the other forces at work before any further change is thought of. No practical inconvenience will follow from the general enforcement of these moderate limits.

11. As regards the practical method of proceeding, I would humbly suggest that a Commission should be appointed to inquire into local usages, to receive evidence, and to formulate recommendations. I would not make the age-limits compulsory in the sense of annulling marriages contracted before the age had been reached. I would only leave the parties concerned freedom to question their binding character when they come of age, unless they have in the meanwhile consummated the marriage. This freedom has been allowed by law in the Parsi Marriage Act. I would appoint non-official gentlemen of position, municipal and local board commissioners, honorary magistrates and inamdars, &c., as authorities with power to certify as to age, and would lay a small penalty for celebrating marriages without such certificates. I would make over the fines to the heads of the castes for their caste purposes, or to local boards and municipalities, whose members elected by the people may safely be honoured by the trust of the power of certifying to the age-qualification. This arrangement would serve as a self-acting check. I would not entrust these members of local and municipal boards with the power of fixing the limits of age themselves as proposed by some friends, but they can well discharge the functions I propose to assign to them. Our people are naturally so law-abiding that few would run the risk of celebrating marriages without license. Some difficulty will at first be felt in ascertaining the ages, but this difficulty will not be great as the experience of similar regulations elsewhere is favourable ; and it will gradually disappear when men become used to it. Simultaneously with this, the Educational authorities may work in their own fields, and, after a reasonable notice, confine their honours and distinctions to those who, in addition to their other qualifications, voluntarily submit to the qualification of single life during their college or school course. Such a restraint would be in keeping with the Brahmachári or student's tradition, and people will soon get used to it. These arrangements are only tentatively suggested and are subject to further correction.

12. I know it has been urged that the real evil of early marriages lies in the early consummation, and that this no law can prevent. I am aware of this objection, and do not underrate it. I would, however, grapple with the evil as far as may be possible. Our medical texts lay down 16 as the limit of age for females and 24 for males before legal consummation can take place. I would lower these limits to 14 and 20, and amend the penal law to that effect. Such an amendment might be inoperative in a few cases, but on the whole it will not fail to produce the best results. Practically, in all well-regulated families, these limits are observed, and there is therefore no ground for complaint in the stamp of law being affixed to them. In no other way can the time of consummation be postponed than by raising the limit of age for marriage.

13. In regard to ill-assorted marriages, I would lay down 45 as the limit of age for men after which they may not marry young virgins, and the marriage of young husbands with older wives should be strictly prohibited, as being unnatural and mischievous in many respects. In regard to polygamy, the Hindu law imposes certain permanent disqualifications in the first wife which must be fulfilled before a man can marry a second wife during the lifetime of the first. I would revive these restraints and give them the force of law.

14. With regard to the widows' condition, the law has done a good deal by validating the remarriage of widows. A reform in the early marriage law would prove very helpful in preventing early widowhood. At present the condition of infant widows is the most pitiable, and their desperate misery is a scandal and a wrong which is a disgrace to any well-regulated society. There is really no choice allowed to these unfortunate creatures, who are disgraced before they feel the reason why such cruelty is practised on them. The interposition of independent non-official gentlemen, as intermediaries to ascertain whether the young widow understands the full misery of her situation, will go a great way to alleviate her lot. Beyond this the State cannot at present go. The other proposals of Mr. Malabari do not appear to be based on any sufficient acquaintance with the facts, and they are not such as to call for any special remarks in this place.

From Mr. Venkut Rango Katti, Canarese Translator, E.D., to the Under-Secretary to the Government of Bombay, Educational Department,—No. 93, dated Dharwar, the 13th February 1885.

With reference to your No. 4164 G. D., dated 13th November last, forwarding to me a copy of Mr. B. M. Malabari's notes on "Infant Marriage" and "Enforced Widowhood" for my opinion, I have the honour to submit my views on the subject as follows.

2. I have read Mr. Malabari's notes with particular attention and made certain enquiries necessary to enable myself to answer the reference satisfactorily as far as my poor ability can

help me. Mr. Malabari points out in his first note three evil consequences of child-marriage, *viz.*, (1) weak or diseased health of the contracting parties and their offspring, (2) over population, and (3) early widowhood. The last is not plainly stated, but can be inferred from what he writes in his two notes. Although there can be no denial as to the existence of child-marriage and its pernicious effects, it would have been better if Mr. Malabari had taken more trouble in collecting information on the subject and made his statements more definite so as to give an idea of the real extent of the evil. This would have perhaps shown him that the custom complained of was not worth his while. If Government appoint a Commission of experienced doctors to ascertain the causes of the Hindu's comparatively weak constitution, I feel sure that infant marriage will hardly find a place in the list they may prepare. The most legitimate cause of over population, if India is ever to have it, cannot be other than the peaceful rule of the British Government.

3. Such of my countrymen as have received a good English education are often tempted to measure their native community by European standards. But the Hindu society is not an European society. It is not a copy of any nationality, but is an original institution founded on its own antecedents and modified by its own surroundings. An European gentleman, fresh from his native land, looks with surprise on the Hindus' imperfect dress, his inordinate love for offspring and home, his frugal coarse, vegetable food, his susceptibility for enduring hunger and fatigue, and many more anomalies about him. Such is the difference between the two nationalities. We are in fact a totally different people from the rest of the world in our habits, manners, customs, food, thought, ambition and action. It is therefore imperatively necessary that a critic on Hindu customs should specially prepare himself for his task before taking up his pen.

4. Mr. Malabari says that " no Shastra enforces marriage proper on a girl under 12 years of age." This assertion would have been correct if it contained the number 6 instead of 12. Our Shastras, however, though written with the best of intentions, have become so numerous and varied that they can hardly help an inquirer to a right conclusion on important social or religious matters discussed in them. They could furnish with equally weighty authorities both the contending parties on the question of widow remarriage mooted, first, by Ishwara Chandra Vidyasagar in Calcutta, secondly, by Vishnu Shastri Pandit in Poona, and lastly, by R. Raghunathrao in Madras This discussion or dispute on all the three occasions was very hot and long, but without any result. We have, however, excellent hand-books or compendiums of the Dharma Shastra, like Nirnaya Sindhu, Dharma Sindhu, Vidnaveshwari and many others which are held in great respect and used at the present day as books of reference by all Brahmins, at least in our own presidency, on religious and social questions of daily occurrence. I beg to lay before His Excellency the Governor in Council what one of these Dharma Sindhu says as to the marriageable period of girls :—

"* From the fifth to the eighth year of a girl's age is the proper period for her marriage. The two years after the sixth are the best A girl should not be married before her sixth year, as Soma (the moon), Gandharva (a celestial Singer), and Agni (fire) claim her each for two years from her birth. Marriage in the ninth and tenth years is neither good nor bad. In the eleventh year it is mean, and in the twelfth and succeeding years it requires Prayaschittu (purification)."

* जन्मतो गर्भतो वा पंचम वर्ष प्रभृति अष्टम वर्ष पर्यंतं कन्या विवाहे उचित: काल: । षड्वर्षोत्तरे वर्षद्वयं प्रशस्ततर: । षडव्दमध्ये नोद्वाह्या कन्यावर्ष द्वयं यत: । सो मोभुक्ते ततस्तद्वतू गंधर्वश्च ततोनल इत्युक्त: । नव मद्दराम योर्मध्यम: । एका दशेयम: । द्वादश प्रायश्चित्तावह: । (तृ-प-पूर्वार्थ)

From this it is clear that the Dharma Shastra totally prohibits a girl's marriage before her sixth year, and that it is willing to allow it after the eleventh year with some penalty. In the case of a girl coming to puberty before marriage, the same work ordains the following penalties to the parties concerned :—

"If a girl comes to puberty before marriage, her father, mother and brothers fall in the hell; the girl becomes Shudri and so does her husband. In such case the following is the mode of purification :—The giver of the girl should give away as many cows as the number of times she was in her monthly course, or one cow; or he should feed Brahmins according to his means and be fit to give the girl in marriage. The girl on fasting three days and then drinking cow's milk and giving to a Brahmin's daughter an ornament, with jewels set in it, becomes fit for marriage. The bridegroom will not be guilty if he marries her after offering

विवाहात्पूर्वं कन्यायार जोदर्शने मातृ पितृ भातृणां नरक पात: । कन्याया वृषलीत्वं तद्भर्तुर्वृषलीपतित्वं । अच भुत्यिप्रकार: । कन्या दातारू तुरंख्यया गोदानानि एकंवा गोदानं यथाशक्ति ब्राह्मन भोजनंवा कत्वा कन्यादाने योग्योभवेतू । कन्या तूपवारु भर्यांति गव्यपय: पानं कत्वा विप्र कुमार्यै रत्न भूषणंदत्त्वे द्वाह योग्या भवति। वरश्च कूस्मांड होमपूकं तामुद्वहन्मदोषी स्यातू।

libations of gourd to the fire * * * * * * When a girl arrives at puberty before marriage for want of a giver, she should wait for three years and then choose her own husband."

यदातुदा भभावाद्र जीदर्न्नानं तदा कन्या वर्षभयं प्रतीक्ष्य स्वयं वरे बृजुयात्। नाभवरस्या पिदोष: (तृ-प-पू)

This shows how accommodating the spirit of the Dharma Shastra is, and how wonderfully it aims at its two-fold object, *viz.*, securing purity in domestic life and making provision for Brahmins—its own creators. This may be said to be the vital cord of all enactments on religious observances.

5. Though the Dharma Shastra agrees to connive at the marriage of girls after puberty in rare cases, such marriages are not in practice. The tropical climate of the country has restricted it to the general barrier of the tenth year. It is well known that girls in India arrive at maturity much earlier, generally in the twelfth year, than those in Europe or in any other temperate climate. We often see girls bred in easy circumstances coming of age even in the eleventh year. Experience has shown again that to leave girls and boys long after their twelfth and sixteenth years respectively without their partners leads to looseness of character and disease. This fact is not appreciated by European enquirers, but a Native acts on his conviction of it. Add further the extreme tenderness for children cherished by Hindu fathers who consider it their final duty to their children to see their "two hands turned into four," and also the difficulty caused by caste of finding a good and respectable matrimonial alliance, particularly in the case of girls. It is these various circumstances that combine together to set forth the tenth year of a girl as the latest year for her marriage, nay, they are continually at work to reduce this limit to the lowest possible extent, even beyond the lowest limit prescribed by the Dharma Shastra. The custom of spending as much money as one can afford in the celebration of marriage has its own part to act. A poor old father, seeing the difficulty of his son's or daughter's marriage after his death is thus naturally tempted to finish it in his lifetime even when the child has not yet left its cradle. The Dharma Shastra makes a girl an out-caste when she remains unmarried after puberty, and yet it makes simple provisions for taking her into caste again. But custom, based on the above circumstances, has grown still more rigid. It begins to look on an unmarried girl of eleven as an out-caste and can afford hardly any means for her purification.

6. But under these circumstances I do not understand how early marriage can give rise to over population or weak constitution in any perceptible degree. If the exigencies of climate necessitate the conjugational union of boys and girls at their respective ages of discretion, *viz.*, 16 or 17 in the case of boys and 13 or 14 in that of girls, I fail to see the difference, so far as these two complaints are concerned, between a marriage at the age of discretion and one in the cradle—nature allowing no progeny or real conjugational happiness before maturity. Widowhood and other evils, however, make it highly desirable to extend the present limit of marriage period as far as the Dharma Shastra and th circumstences above enumerated would permit. But no stringent measures appear necessary. For English rule and English education have already begun to assert their own. That general feeling with regard to the period of marriage which I have witnessed in my childhood, 40 years ago, has now greatly changed. I and my brother were joined at the age of 12 by our father, who was a Shastri, to girls who had yet to complete their 7th years. This was the type of marriages in those days. A girl was scarcely allowed to complete her 8th year without being married. An unmarried Brahmin girl of ten was then looked on as a shame to her parents, who always tried to conceal her age. This state of things no longer exists. In most of the present marriages the age of the bride is from 8 to 10, and that of the bridegroom from 13 to 15. Educated fathers go still forward, and it is no novelty to see girls of 11 and 12 passing in procession through the streets with their youthful husbands. I have a son who will complete his 16th year in September next; he is yet to be married, and I have selected for him a girl of 12 (the daughter of a Shastri) with his approval. My friend Mr. Bhujengrao, Principal of the Training College, married his two sons at the age of 17 to girls who came of age within six months after marriage. Both these girls belong to respectable families in which English education has yet found no way. Recent marriages of the sons of the Desayi and the Deshpandia of Dharwar, Mr. Shriniwasrao Chitagubbi, Deputy Collector, Mr. Shrinivasrao Behatti, Sub-Judge at Honore, Mr. Hoochrao, the leading pleader at Belgaum and of the daughter of Mr. Babaji Laxman, Sub-Judge at Karwar, may be said to come under the same category. Many more similar instances can be cited. But marriages of girls below six years of age were rare 40 years ago, and are very rare now. During the last 30 years I had to live for various periods at Mudhole (my native place), Bejapore, Alwel, Poona, Bombay, Mahableshwar, Junere, Belgaum, Dharwar, and Honore, but no effort on my part will enable me to count a hundred marriages of this description. I am told, however, that infant marriages are much in vogue in Gujerat.

7. The means proposed by Mr. Malabari to check early marriage do not, however, appear to be open to serious objection, Its simple cognisance by Government will be a great help to the efforts of the educated leaders to check it. But to shut the gates of colleges against married candidates would be too hard and unjustifiable. The imposition of double fees on such candidates when they appear for Matriculation and other examinations will be, in my humble opinion, a sufficient indication of the contempt with which Government regard early marriage The rest may be left to the reformers as their own share. The suggestion that Government officers should evince personal interest in the matter seems to be too good to be practicable.

Enforced Widowhood.

8. This is a graver complaint and demands some attention of Government. Mr. Malabar has depicted in an attractive style the oppression of widows by priesthood, the secret crime of child-murder (much exaggerated), the internal opposition of the orthodox, the feelings and movements of the educated reformers, the lameness of their efforts, and many other points worthy of note. Many of his statements are correct, and it is useless to contend for minor inaccuracies. Some of the Marathi papers raised a long controversy on some of these points and succeeded to a considerable extent in showing that the number of actual sufferers from enforced widowhood was insignificant compared to the population of the country, as it prevailed among the Brahmins alone. But it is no logic that a complaint may not be redressed because it affects a few persons. Apart from this consideration, it seems to me that the writers in these papers made a great mistake in not going a step forward to see the consequences of an injurious custom allowed to exist among the highest class of the Indian community. The Brahmin has ever been the law-giver to the lower classes. Whatever he practised as good was publicly or privately copied by other classes. Not to speak of the many amusing stories of imitation in former times, we see in our own days, when the Brahmin supremacy is fast fading away, several of such customs as were monopolised by Brahmins as their own birth-right heartily welcomed by other classes. For instance, wearing the sacred thread, reciting the Sandhya or at least a show of it, and keeping holy at the time of taking meals can be seen adopted by tailors and saddlers. Widow celibacy itself, though apparently repulsive, has not escaped imitation. Shaved widows wearing red cloth can be seen in numbers among the Komties, the Kasars, the Sonars and the Gingars. I have read a long letter in the last month written by a Lingayet priest of Hoobli to one of the Canarese papers of Dharwar, in which the writer condemned widows remarried, freely availed of by his sect, as a stepping-stone to the hell, and invited his caste men to adopt widow celibacy which he praised in the most alluring terms. This shows the force of the influence exercised by Brahmin customs on other classes when it is remembered that the Lingayets outwardly show antagonism to the Brahmins. It is therefore imperatively necessary that enforced widowhood should be put down for the purpose of protecting the other classes from its temptation, if not for the sake of the actual sufferers.

9. The aspect of the Dharma Shastra does not seem to be very encouraging in this matter. I have already stated that conflicting authorities can be shown without number on both sides. The reformers allege that many of the authorities adduced by their opponents are fabrications, and that the single authority of Parashara, whose Smriti is declared to be supreme in the Koli Age, allowing widow remarriage in five cases of emergency* is enough for their purpose. This may be true. But there is no chance of success in putting the matter to argumentation in crowded meetings, as the oppositionists are the leaders of the masses. They set forth this very authority of Parashara to oppose remarriage by changing the last word "Vidhiyate" (is allowed) to "Navidyate" (is not allowed), and assert that it is their reading which is correct. Whatever this may be, if we consult the same popular work, Dharma Sindhu, which is referred to in paragraph 4, we find that the author dismisses the subject of widow remarriage by stating in a very few words† that it is prohibited in the Koli Age, while he treats of all important social and religious matters in detail, and notably of male remarriage under an independent heading. This shows how the wind blows. The reformers are, however, not daunted by this fact and find reasonable means to construe the very prohibitory words of the author in their own favour. Such is the character of the controversy. But one thing does not seem to have attracted the attention of the reformers. A girl's marriage is always spoken of in the Dharma Shastra as a "Gift"; it is made in fact a

*नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ॥ पंच स्वापत्सु नारीणा पतिरन्यो विधीयते॥

† दत्तायाताया: कन्याया: पुनर्दानं परस्यतु

synonymous term with gift, the giving of a girl being considered the highest gift that a man can bestow on his fellow creatures. Widow marriage is therefore objected to by some writers of the Dharma Shastra on the principle that a thing once bestowed on others cannot be given again. But these writers have at the same time given permission to girls themselves to choose their own husbands when they have none to give them away (*vide* the concluding part of the second passage quoted under paragraph 4). A widow seems, therefore, to possess every right to choose her own husband under this permission, as she has none to give her away in consequence of her parents and guardians being debarred from giving her in marriage again.

10. But whatever may be the tone of the Dharma Shastra, the endeavours of our educated reformers give us a cheerful hope of success at the end. The Venerable Ishwara Chandra Vidyasagar of Calcutta, whose memory will ever be cherished by the widows of Bengal as their deliverer, was the first, as far as I am aware, to moot the question about 20 years ago. His efforts did not produce perceptible results at the time, but we now see that widow remarriage is naturalised among the Brahmos of Bengal, and that others are gradually following suit. The movements of this great man acted soon after as magic on a hero among ourselves, Mr. Vishnu Shastri, Pundit of Poona, who girded his loins to fight a long battle on the foundation laid down by his Bengali predecessor. This friend of suffering modesty, though he did not achieve success in his disputes with his orthodox opponents in public meetings, regularly preached widow remarriage, bore with fortitude the whole vengeance wrecked on him by priesthood, and at last, set an example by marrying himself a widow when opportunity offered. The result of his action is that we count nearly fifty remarried widows among us at the present day, and expect to hear of more every year; credit is due to the Prárthana Somaj of Bombay which has not allowed the beginning made by Vishnu Shastri to die away. The benighted presidency, too, is not lost in its wonted snoring. Though late, it has awakened at last. We have been hearing for the last six months of great movements initiated by Divan Bahadur R. Raghunathrao, a gentleman, from whom great things are expected. The particulars of these movements are briefly these. Mr. Raghunathrao published a pamphlet on the remarriage of widows, showing various authorities sanctioning it. He then wrote a letter to the Guru or Swami of the Mádheva Vaishnavas, to which class he belonged, requesting him to come to Madras and discuss the question raised by his pamphlet. The Swami accordingly went to Madras in July last, and invited Pandits of his sect from all parts of India. Nearly 300 pundits gathered round him within two months, and then the discussion began in a very crowded meeting. Mr. Raghunathro was alone on the reform side, and Anantachárya of Satara, grandson of a renowned Shastri of the late Peshwa's Court, and Gopalacharya of Gwalior, stood forth as his principal opponents under the guidance of the Swami himself. The meeting continued for three days. Disputes chiefly on various irrelevant matters arose as usual in such meetings. Anantachárya adduced a verse * from Bábhravya Smriti, stating that the girl whose husband dies after Saptapadi (the concluding ceremony of marriage) should not be given to another in the Koli Age. On Mr. Raghunathrao's requisition the expression "should not be given" was explained as an equivalent to "should not be married." Mr. Raghunathrao then set forth the authorities quoted in his pamphlet as sanctioning widow remarriage. But the opposite party did not accept them on the ground that none of them specifically opposed the Smriti adduced by them. The reformer thereon indignantly asked what was the use of so many authorities quoted by him from weighty authors, especially of the authority of Paráshara, mentioned in the above paragraph 9. The ingenious reply given by Gopalacharya deserves notice. He said that the permission given by Paráshara and other authors was applicable to the portion of Koli which passed before the sacrifice of Janamejaya as well as to cases in the subsequent times wherein a husband died in the interval between marriage proper and Saptapadi (which is not more than an hour or two), and that at all other times Bábravya and other prohibitory authorities must be followed. The last question raised by Mr. Raghunathrao was about the genuineness and binding of the Bábhravya Smriti. Here it seems the opposite party was in revolt. Each Shastri came forward to say something of his own and all blamed Mr. Raghunathrao for questioning the authority of a Smriti. Mr. Raghunathrao was, I believe, disgusted with the obstinacy of his opponents at every step, and left the meeting abruptly, informing the Swami that he would not come to the meeting again. Here ended the whole controversy. The Swami triumphantly declared to the crowd around that widow remarriage was not allowed in the Koli Age. But Mr. Raghunathrao is an influential person in the South. He is resolved to push on the matter at any risk and has the full sympathy of Sir T. Madhavarao on his side. These two names are a sufficient guarantee for some bright results at least.

कृते सप्तपदे भर्तुर्वि योगोय दिजा-
यते । नदेया पुन रन्यस्मै कलौ
कन्यामनी विश्रि: ॥

11. Besides the grand movements in the three presidencies above narrated, we hear of several petty associations and samajes in zilla, towns, and other places aiming at the same object. Young men who have made widow remarriage the subject of their study have begun to publish essays and pamphlets. Widows themselves are gradually coming forward to make their misery known to the world through newspapers and other sources. This whole agitation cannot be supposed to end in nothing at last, and when I see that shastris and priests are fast vanishing for want of support, I cannot help concluding that the days of enforced widowhood are numbered.

12. Whether a new law enforcing widow remarriage may or may not be made is a question to be decided by Government themselves on considering the facts placed before them by me and others. I am not much acquainted with law matters. But I do not understand how a law in this matter can produce the desired effect without being a source for oppression. No law, as far as I can understand common justice, can force a woman to marry, nor can it force the general public not to excommunicate a married widow. Public declarations of excommunication may perhaps be made penal. But caste can effect excommunication without such declarations. A law punishing the persons that prevent a widow from marrying would produce more harm than good, and a girl can never be expected to go to a Government authority to lodge a complaint against her own parents who are her real enemies.

13. One important thing, however, I beg most earnestly to place before Government for their mature consideration. It is the shaving of widows. I am at a loss to understand how this inhuman custom has escaped so long the attention of Government and their officers. It is no part of the genuine Hindu religion. No trace of a shaved widow can be found before Buddhism in which it first originated. That faith required the shaving of its religious persons, men or women. Such widows in those days as had no attraction for this world turned Sanyasis with their own accord by getting their head shaved and wearing red cloth, and went to live in Viharas or monasteries. This custom was regarded at the time by the Indian nation as a great improvement on the former social condition, inasmuch as it granted equal rights to women with men in religious matters. When the Vedic religion revived through the efforts of Kumarilabhatta and others who drove Buddhism to foreign land, this custom was borrowed from it by the astute Brahmins along with other good cus oms wth the double purpose of making their own religion more attractive to the masses and exposing the dark side of the banished religion to the world. Shaving of widows, therefore, may be considered to date from the 4th or 5th century A.D. as part of the present Hindu religion.

14. An effectual suppression of the shaving of widows is paving the road for widow remarriage. For the present treatment of an unshaved widow, a sakesha, seems to me very advantageous to the reformers. She is not allowed to touch food and water in her own house, nor to touch her own mother and sisters, or any woman of her own caste. Nor is she allowed to perform any religious ceremony whatever, and is prohibited from showing her face in auspicious ceremonies like marriage. In fact, she loses caste without dishonour. When the priest sees that this anomalous condition of the widows of his caste is made permanent by the strong will of Government, he will come to better reasoning. He cannot multiply authorities to defend the unshaved widowhood, an impure life, and therefore cannot but shut his mouth against widow remarriage. When, again, the parents of an unshaved widow, too, see that their daughter, being cut off from all holy aspirations and being more attractive to the other sex than when shaved, has every temptation to lose her character and thus become a shame to their name, they will readily consent to her remarriage.

15. Our benevolent rulers suppressed suttee and infanticide by special enactments. Why have they not turned their attention to this more universal and more horrible lingering death? Is it not sufficiently heart-rending to see a beautiful young face deprived of the ornament which nature has bountifully bestowed on it? What an abject spectacle must a shaved widow be presenting to the eyes of European ladies passing through the streets of Indian towns? Has man power to cut down the hair of a woman's head any more than cutting her nose and ears? British Magistrates punish swinging by hooks before idols, self-torture to extort money, slavery and sale of girls for adultery, confining human beings and a host of such petty misdeeds against human body. Yet they quietly pass by a widow pitifully crying for her inability to protect her natural ornament from the razor of a barber. The non-attention or rather connivance of Government at this serious crime is, as every body knows, the result of their laudable desire to keep aloof from meddling with the religious customs of their subjects. But all similar injurious customs have been put down long ago, and the educated leaders of the native community ardently desire to have this also rooted out from amongst them at the earliest opportunity. The present is, therefore, the fittest opportunity for Government to suppress the custom at once, especially in the case of widows under the age of 25 or 30.

16. But it is not necessary to make a new law in this behalf. The Penal Code is sufficiently powerful to take care of a hundred such customs. Its sections 320 and 325 contain an ample provision for our present purpose. It is therefore only necessary that Government pass a general order, not longer than two lines, directing the attention of Magistrates to the serious crime of shaving a woman and ordering them to take complaints against it brought by any body whatever. This will be a material help to the supporters of widow remarriage.

From Mr. MOTILAL LALBHAI, First Class Sub-Judge, Ahmedabad, to the Under-Secretary to the Government of Bombay, General Department,—dated Ahmedabad, the 14th February 1885.

With reference to your letter No. 4164 of the 13th November last, forwarding for my opinion Mr. Malabari's paper on "Infant Marriage" and "Enforced Widowhood," I have the honour to state that I quite sympathise with the feeling with which Mr. Malabari has expressed his views, and agree with him in thinking that the evils he has described require to be put down as early as possible; but the proposals made by him for doing so are not all unobjectionable.

2. With regard to "Infant Marriage," his first proposal is that married candidates should be excluded from University examinations; but such an infinitesimally small number of the vast population of India go up for these examinations, that any measure of interference in this direction will be productive of very little advantage, while it will cause unpleasantness in the class of people who are already striving to meet the evils of the custom, and will also lessen the power which the Universities possess of educating public opinion—one of the most appropriate weapons for removing such evils—by adding to the number of instruments through which it can be created and fostered.

3. As to his second proposal that heads of public departments may prefer the unmarried candidate to the married for Government service, I beg to observe that in most cases service is sought for after the age of 20 years, and I doubt whether at this age an unmarried man in a society constituted as it is in India, and without the progress necessary to keep him from various contaminating influences, will be found to be a better servant of the State than one who is married and burdened with the care of maintaining a family. Besides, it is not, I think, intended that a boy should remain unmarried after he is 20 years of age, and Government can gain nothing by admitting into their service unmarried young men who will get into the bonds of matrimony soon after their admission.

4. Mr. Malabari's third proposal that the Educational Department may give a few chapters in its school books describing the evil in its various forms is excellent and may be adopted at once.

5. The suggestion that a rule should be made requiring money paid to the parents of a girl by an old man marrying her, to be deposited in her name and for her exclusive use, is a good one, but impracticable and productive of litigation. The feeling of the community at large is against such marriages or payments, and the evil practice is declining with the progress of the times. The practice of marrying girls to boys younger in age is also generally despised and gradually disappearing.

6. The question of the remarriage of widows is a very difficult one. Caste is the greatest block in the way of its solution. Nothing can break the influence of caste in this matter, and many years must elapse before any satisfactory impression can be made towards the removal of the evil. At present the adoption of any such measures as Mr. Malabari proposes will do more harm than good to the cause of widow remarriage.

7. Of the three ways of effecting social reform—1, Force, 2, Public opinion, and 3, Harmony of convictions—the only one available or rather practicable in India is public opinion. The creation and spread of a healthy public opinion is the duty of all educated men in this country, and Government can encourage and help them by bestowal of honours and titles on reformers; by inducements in the shape of prizes and scholarships to male and female students, by money contributions to associations formed for social reformation; and by establishment and support of institutions for the requisite education of the people. Beyond this no Government interference is, I think, desirable or advisable, except perhaps to show their disapproval of the evil customs under reference, by ruling that no suit will lie for possession of a wife before she is 16 and the husband is of 20 years of age, and by giving some special privileges to remarried widows of approved character.

9. But of all the means to be adopted for eradicating the evils in question, the most effectual will be a proper education of women. In the social sphere woman is a great power, and it is not to be supposed that women have no influence in Hindu households. They take a prominent part in all social concerns. It is through them that the priest chiefly exercises his

influence, and my humble opinion is that were there as many well educated women in India as there are such men, there would have been a social revolution of no small importance in this country already. I think, therefore, that all forces should be directed to the improvement and elevation of women, without which any measure of interference with the existing customs of society will not have any appreciable effect.

From Mr. RUNCHORELAL CHOTALALL, to the Under-Secretary to the Government of Bombay,—dated Ahmedabad, the 14th February 1885.

I have the honour to acknowledge the receipt of your letter, dated 13th November last, No. 4164, General Department, forwarding Mr. B. M. Malabari's paper on "Infant Marriage" and "Enforced Widowhood," with a desire to submit my opinion thereon, and in reply I beg respectfully to submit my humble views on the subject for the consideration of Government.

In the first instance, I beg to state that these subjects relate to the social evils of the Hindu community, and Mr. Malabari deserves the thanks of the community for his philanthropic efforts to remove them; but as these questions are very much mixed with the social and religious custom of the people, I think that it is very desirable that the attempts to reform them should proceed from the people themselves without any State interference.

I would take the liberty of first making my observations on the "Enforced Widowhood." I fully admit that the state of the widow is much to be pitied, and more especially when the girl is a very young one. No one is more sorry for it than the near relations and guardians of the girl herself. But it is a point of religious belief and sense of honour that prevents a woman of a respectable family from remarrying. I learn that there are certain sects even of the Mussulman religion, such as the Syuds, who would not allow their young daughters to remarry. There are many castes of the Hindu community, such as the Kunbees, in which widow remarriage is freely allowed; but even among that caste there are some families who would not remarry their widows on account of respectability of the family. In many cases the widows themselves would not like the idea of marrying again, and so we cannot call it an "*Enforced Widowhood.*" In this world there are good many persons who submit themselves to privation and distress for the sake of their religious beliefs and social honour, and I think it will be very difficult, if not impossible, for Government to distinguish those who adopt the life of celibacy out of their own free-will from those who do so merely through the pressure from outside. I think Government have already done what they can do to legalize widow remarriage by Act XV. of 1856, and I do not see how Government can compel a widow to remarry if she does not like to do so.

It is true that in some cases the widows may be induced to abstain from remarrying for the fear of excommunication, but I do not see how Government can compel the members of a society to dine with one whose action they do not like. The chief weapon the caste people have in their hands is, that they would not send an invitation of caste dinner to the party that has been excommunicated. If the widow and the person who marries with her do not care for the social intercourse with the caste people, they can enjoy all their civil rights without any molestation.

The four proposals made by Mr. Malabari do not appear to be of much practical use. The proposal No. 1 is already met by the Act quoted by Mr. Malabari. He wants that something more should be done, but does not show what can be done. Government cannot compel the caste people to dine with a party that contracts remarriage against their caste rules.

With regard to proposal No. 2, it may be remarked that so long as the woman remains a widow, it is always presumed that she adopts that course voluntarily. You will not be able to prove that the widowhood is enforced against her will.

With regard to proposal No. 3, it is to be observed that the present law already gives every facility to every person, including widows to complain to the authorities for any ill-usage.

With regard to proposal No. 4, I do not see how Government can prevent the relations of the party from being excommunicated if they take any part or action against the caste rules.

I do not think much actual good can be done by taking any half and ineffectual measure. It will only irritate the people, and might produce a reaction which might injure the cause.

Taking all the circumstances into consideration, I am respectfully of opinion that Government should not take any action that would lead the people to suppose that Government wish to enforce widow remarriage against the religious beliefs of the people.

Any reformation regarding widow remarriage should proceed from the people themselves. I think they should first commence with the cases of the virgin widows, which would soon attract the compassion of the caste people themselves.

All changes in the social custom must take time. English education and contact with the Western civilization would gradually change the social customs without any State interference.

The second question for consideration is "Infant Marriage." The subject may be divided into two parts, *viz.*, the marriageable age of the females, and that of the males.

It is a general feeling among the Hindus that girls should not be allowed to remain unmarried beyond the age of 10 or 12 years. This practice is based upon the authority of certain texts of the Shastras, and upon the idea that it is not safe to allow a girl to remain unmarried after 12 years lest she might go astray.

Again, in a province like Guzerat where the Hind ommunity is divided and sub-divided into so many small castes, it is very difficult to rule that girls should not marry before a certain age. It is possible that in a small caste all available boys may be married away if the parents of girls were to wait until a fixed age; and as they cannot give in marriage their daughters to boys of different castes they are obliged to marry their daughters at such a time as may be most convenient to them.

Taking everything into consideration, I am of opinion that Government should not interfere about the marriageable age of Hindu girls. Any interference on the part of Government in that quarter will be very unpopular on account of religious prejudices, and will be felt very inconvenient on account of the small sub-divisions into castes. Any improvement in this respect should proceed from the people themselves. There are cases where Hindu girls are kept unmarried to the advanced age of 13 or 14 years. But such instances are rare. The general practice seems to be to marry girls between eight and twelve years.

Now the last subject to consider is the marriageable age of boys. This is a question in which some pressure from Government might be exercised with some success and without much objection.

There is no religious objection whatever for keeping a boy unmarried until 20 years or any later period. On the contrary, the Hindu law is against a male marrying before he becomes of full age. The Hindu marriage is a contract between the father or guardian of the bride and the bridegroom; and the latter is required to make certain promises at the time of marriage ceremonies, and it is presumed by the Hindu law that he is fully competent to understand the nature of the agreement entered into by him for its thorough fulfilment. The Shastras enjoin that a Brahmana boy should be invested with sacred thread at the age of eight years, and that after the investiture he should study for twelve years during which period he should remain a bachelor. Thus he is required to lead a life of celebacy for at least twenty years.

It is much to be regretted that these old good rules are not observed in these days, and boys are generally married at the same age as that of girls, *viz.*, between eight and twelve years, while in some instances they are married even earlier than this time. The evil effects of this early marriage are shown on the physical constitution of the lads as well as on their education, and Mr. Malabari is perfectly correct in ascribing these evils to this practice. I think the first attempt at reform should be to limit the marriageable age of males to 15 or 16 years. No objection can be raised on the ground of religion. No serious inconvenience can arise by increasing the age of the boys. Boys may be betrothed before 15 or 16, but should not be married.

By increasing the age of the boys, we shall have the following advantages—

1st.—The physical constitution of the young men will not be impaired, but on the contrary will be improved to some extent.

2nd.—Their education will be better.

3rd.—There will be less chance of having young virgin widows, for after the age of fifteen or sixteen there is less risk of death among the young husbands.

4th.—When the age of boys is increased it will have an indirect influence over the age of girls, for they will not be in a hurry when they see boys of advanced age are available in the caste.

I think Government may not have recourse to legislature at once. The subject may be fully ventilated among the community. The people of all castes may be invited to show reasons against the increase of the marriageable age of boys to 15 or 16 years, and their objections might be duly considered before the enactment of the law. In my opinion the measure would be approved of by almost every intelligent person. No serious objection can be raised either from a religious point of view or from that of common sense.

I agree with Mr. Justice Scott in his reply to Mr. Malabari that the reformers should attempt one subject at a time, and I think if the reformers and Government will confine

themselves to the question of increasing the marriageable age of boys, there is some chance of success.

I do not agree with the proposal of Mr. Malabari that married boys should be shut out from the advantages of higher education or Government service. The proportion of persons seeking higher education or Government service is so small to the general population that the advantage to the public at large will be next to nothing; but, on the contrary, if the suggestion be followed, it would indirectly injure the cause of higher education, and Government might lose many valuable servants.

If anything is to be done, it should be done for the benefit of all persons, and for that purpose a recourse to the legislature, after due enquiry and consideration, will be necessary.

From Rao Bahadoor BHOLANATH SARABHAI, to the Under Secretary to the Government of Bombay, General Department,—Dated Ahmedabad, the 15th February 1885.

With reference to your letter dated 13th November 1884, requesting me to submit my opinion on Mr. B. M. Malabari's paper on "Infant Marriage and Enforced Widowhood," I have the honour to report that I have gone through the papers, and beg to submit my views on each note.

I thoroughly sympathize with the object at which he aims, and concurs entirely in his views regarding the evil and mischievous consequences of "infant marriages." This mischief is not unknown to the educated class of people who are trying their best to put a stop to it; they understand well that early marriage has been the cause of the degeneration and demoralization of the Indian nation.

The origin of this custom can be sought in the divisions and sub-divisions of society into numerous castes, and ignorance of the spirit of the Hindu Shastras which never enjoin early marriage either for a male or a female. The marriageable age of a male was fixed by them at 30. The illustrious and primitive Hindu Law-giver Manu enjoins that a man aged 30 years should marry a girl of 12. According to Hindu Shastras, after being invested with the sacerdotal thread (उपवित) one should pursue the study of Vedas at least for 12 years, hence he cannot marry under 20 years, eight years being the age for the thread ceremony. As for girls, Manu has fixed 12 years; but during the vedic period girls were allowed to make self-choice of husbands; they were at liberty to remain unmarried as long as they chose. There was no limit of age in the vedic times. The Rishis of those days were of liberal minds; they did not consider it a sin if a woman married after the age of puberty. From the hymns uttered at marriage ceremony and from the wording of the promise made by husband to his wife, it is quite clear that a girl of eight, nine, or ten years of age cannot understand the meaning of the promise. This shows that the girl must be more than ten years old, and also educated in order that she might understand what is spoken by the bridegroom at the time of marriage. But all those noble precepts which have been inculcated for us, by the far-sighted Rishis and law-givers, in clear and unmistakeable terms, have been abused by the Hindu society. The present practice of infant marriage is against our Hindu Shastras. There was a time when Hindu men and women freely mixed with each other in society, and selections of husbands and wives were made by themselves. But those days are gone, and Hindu society is now in a deplorable condition owing to a want of knowledge of true religion and the accursed system which has divided and sub-divided our society into hundreds of insignificant castes. These divisions are more in number in Guzerat and Kattyawar than in the Deccan. By the evil practice of infant marriage, both men and women have fallen down into a very low state. Custom, which is the paramount power among the Hindus, has become law and religion. The abominable institution, known as caste, which is the greatest stumbling block in the way of all kinds of reforms exercises its binding force equally on the educated and the uneducated. The masses are as yet quite uneducated, so the number of educated people is at present very small, and, as long as the people of India, especially females, remain uneducated, no social reforms can be introduced so as to ensure speedy or permanent success. There is an association here, the members of which have taken a pledge not to marry their sons before the age of sixteen, or if they are to be married before that period, to see that their brides are five years younger than they. But, on account of difficulties thrown in its way by caste, the association has not been able to fix any age for girls. I am of opinion that, if such associations are formed throughout India, they will be of considerable use in the progress of our society.

It is admitted by all enlightened Hindus that early marriages and unequal matches are mischievous. They believe that early union of two parties tends to the production of unhealthy families, and ultimately to the moral and intellectual deterioration of the whole race. Mr. Malabari, therefore, deserves great credit for undertaking the subject of reform in

this particular branch of evils that has been ruining us for a long time past. His zeal and energy are admirable, but the remedies suggested by him are not all feasible.

The remedies proposed by him are—

(1) that no married student shall be eligible for going up for University Examinations;

(2) that the Heads of Departments may prefer an unmarried candidate to a married one; and

(3) that the Educational Department may put in a few lessons in the school books describing the evil in its various forms.

But I regret, I cannot approve of the first and second remedies. The University is indirectly aiding the cause of reform by means of spreading higher education which is a powerful means of cultivating the mind and thereby improving the condition of society, and if by any means the progress of education is checked, all hopes for reforms must be given up. I believe if the University rules that no married candidate shall be allowed to appear at the entrance or any other examination, it will be simply checking education, for people do not as yet appreciate the worth of education so much as to keep their sons unmarried, simply for the sake of giving them superior mental culture. They consider it their first duty to marry their children, every other thing being of secondary importance in their eyes. Such a rule may be instrumental in fostering the evil instead of the reform. Besides, it will be punishing the children for the faults of their parents which is very uncharitable; it is not the children who get married of their own accord, but the parents who marry them at an early age, and it is not just that the children who are quite innocent should suffer for their parent's faults.

In the same way, the second of Mr. Malabari's proposal is unacceptable, because parents are not yet so sensible of the evils resulting from infant marriage as to prefer an employment in Government for their sons to their marriages. I am of opinion that Government should not interfere in making social reforms, on the ground that social customs are exponents of inward feelings and desires of a nation; and some of those customs that are injurious can never be reformed by a sudden stroke of legislation, but by means of slow changes of those feelings and desires which can be wrought by the growth of higher education which it is the duty of Government to spread equally among males and females with unclenched liberality. The third thing he suggests is to give a few lessons in the series for schools showing the disadvantages of early marriage. I think this is very desirable and worthy of being adopted at once.

As regards the marriage of an infant girl with an old man, Mr. Malabari thinks that the object of such a connection is generally the exaction of money by the bride's father or other relatives from the bridegroom. The remedy to discourage this practice, he says, is that the State should make a rule that the money received from the bridegroom should not be considered as the property of parents or the relatives of the bride, but should safely be deposited in the name of the girl for her exclusive use. The remedy may seem theoretically fair and practicable, but it is difficult to bring it into operation. It cannot be proved that the parents have received money, as they do not take it openly.

Now, a few words about Mr. Malabari's second note—"enforced widowhood." The evil of this practice is not unnoticed by the enlightened class. They have established in many places such as Calcutta, Madras, Bombay, Poona and Ahmedabad Associations for encouraging widow marriages. The authority of the Shastras is in favour of widow marriages; but the sway of custom which has become Shastras in the present age is very powerful. Widow marriages among Brahmans, Kshattriyas and Vaishyas have been stopped for a long time, and so it is difficult to re-introduce them at once unless public opinion is prepared by education; but I think it is not yet prepared for such a change. There is no reason why a woman who has lost her husband should not marry again, while men who lose their wives or even if they do not lose them, are allowed to marry twice, thrice, or as often as they choose. The condition of widows is extremely pitiable. The prohibition of her remarriage is undoubtedly a tyranny.

I think the question of widow marriages to be of serious importance for ameliorating the condition of women. But I find no practical remedy except the growth of education. Again, when the pernicious custom of infant marriage is stopped, the number of widows will be greatly diminished.

Summing up all that I have said, I beg to submit, in conclusion, that so long as public opinion is not prepared for any change, it is not advisable for Government to make any legislation in social matters. But they should extend more widely the boon of higher education, and female education particularly requires greater attention, because if in a family the

male members who are enlightened are desirous of making any reforms, it is the uneducated females who come in the way. It is therefore the duty of all enlightened millionaires as well as of educated persons to adopt the best means to spread higher education. The present sort and amount of education that is imparted to them is not sufficient to enlighten their minds, though it proves of some effect; but unless higher education is given to them, no sanguine hopes can be entertained for complete social reform. Government also must do all that lies in their power to effect the elevation of Hindu women. They should liberally extend their helping hand to promote the cause of female education and education in general, and to improve our social condition, thereby enabling us to be reckoned among the civilized nations of the world.

It may be asserted, and perhaps rightly, that the custom of infant marriage has been a hindrance to the progress of education, but at the same time it cannot be denied that it is the want of sufficient education which has retarded in a great measure the social advancement of India. Besides, from the fact that the amount of education that is at present imparted has done something towards the social improvement, it can be anticipated that a more extensive spread of education will prove of greater advantage to the cause of reform. Education and social reform which are closely allied to each other must, therefore, go hand in hand, and it will be seen that the one will help the cause of the other. Another remedy which I mean to propose for diminishing the evil of infant marriage is that associations should be established in different parts of India, opening branches in chief towns ; they should be encouraged by local authorities by attending the meeting and showing their sympathy with the noble cause.

Lessons showing the evil results of infant marriage will also be of great benefit if inserted in school series. It is quite true the fruits of all these efforts will not be reaped at once, but in the course of time it will be found that the labour will be recompensed by a slow but sure renovation which I believe cannot be accomplished by the Legislature.

With these remarks I beg to conclude, heartily thanking Government for the honour they have done me by consulting me on such an important question.

From Mr. JUGJIVANDAS, to the Secretary to the Government of Bombay, General Department,—Dated Surat, the 17th February 1885.

As desired in Government letter No. 4164 of the 13th November last, I beg to submit my opinion regarding the proposals made by Mr. B. M. Malabari of Bombay on the subject of "infant marriage" and "enforced widowhood."

Infant Marriage.

I. Infant marriage is not prevalent only amongst the Hindus, but also amongst Muhammadans and Parsis to a greater or less extent, but Mr. B. M. Malabari does not say so clearly, and finds fault with this custom amongst the Hindus, offering such absurd remark as is contained in paragraph 2, or concluding part of his note on "infant marriage."

II. I am myself not aware of a single instance in which a girl of 12 to 15 years old was married to a boy of eight to ten years. The majority of the higher classes of Hindus generally take care to select a girl who is younger than the intended husband. In very rare or exceptional cases, a little difference (say about two or three years) in age is set aside under some peculiar circumstances. On the other hand, amongst the majority of the higher classes of Hindus, a girl is hardly allowed to remain unmarried up to the age of 12 to 15 years, and for grown up girls there is always a great demand for young men, who may have lost their first wives, or who could not marry in childhood for want of means, &c., &c.

III. In like manner, I am really surprised to read Mr. M. B. Malabari's most scandalous statement as below.—"When we know that the marriage is brought about by the father or the "elder brother of the boy who (the father or the elder brother) is a widower, we may guess the "object. It is a criminal arrangement, leading to sin all round and to much suffering for the "unfortunate girl, who must in name remain the wife of the boy. When the boy-husband "realises his position, he may murder the wife, the father, or the brother." During my employment as Magistrate for nearly 30 years in the Ahmedabad and Surat Districts I never heard of such criminal arrangements and consequences, and I am quite unable to support Mr. B. M. Malabari's allegation.

IV. In this country clubs, hotels, and boarding-houses or schools are not as amply and conveniently provided as in Europe and America. On the other hand, Hindus on account of their caste prejudices cannot resort to them as freely as Muhammadans and Parsis. Accordingly, the assistance of females is urgently needed for the management of domestic affairs in almost

every family. In agricultural and several other avocations, such as weaving, &c., the assistance of females is also as useful as that of males. The parents of a boy, therefore, consider it to be their main duty to see him provided with a suitable match as far as the means at their disposal permit. Amongst Parsis, a great change has, however, already taken place in this direction, without any legislative or Government Departmental measure as is now suggested by B. M. Malabari, and educated Hindus and Muhammadans try to follow them, though the Hindu Shastra enforces marriageproper on girls under 12 years of age.* I may here mention that many Parsis bitterly complain of the change on the ground that when infant marriage was much prevalent amongst them, respectable unions could conveniently be effected without large expenditure in the shape of dowry, but now a father of a girl is required by the intended husband to pay an exhorbitant sum for the marriage, and, in the event of his refusal or inability to meet the demand, the results are often very unsatisfactory in many respects.

* 1. Moorhut Martund on the subject of marriage.
2. Sumourt Sumruttee ditto.
3. Neerney Seendhoo ditto.
4. Dhurum Seendhoo. ditto.
5. Sonskar Muook ditto.
6. Sonskar Knoostook ditto.

V. It is true that amongst Hindus a father is sometimes tempted to give his little girl in marriage to an old man for pecuniary consideration, but such cases are very rare, and disgrace the father and members of his family in his own community. On the other hand, this evil is also on the decrease, and is sure to die away as education advances, particularly amongst females.

VI. I am therefore of opinion that any attempt on the part of Government to put a stop to the universal custom of infant marriage is not now at all needed, and will hardly be hailed by the public at large.

Enforced Widowhood.

I. It may not be inferred that remarriage of widows is prohibited amongst all the Hindus, and all the Hindu widows are treated and situated in the manner figured by Mr. B. M. Malabari. In this country, more than one-half of the Hindu population (belonging to the castes of Coonbee, Ganchee, Loowana, Golla, Durjee, Dhobee, Dhers, Dooblas, &c., &c.) has no prohibition for a widow remarriage. The Brahmins, Bannians, Jains, Tonees, and a few other minor castes don't observe this custom generally, under an impression that it is not allowed by the Shastras, presuming at the same time that by its adoption distinction between higher and lower castes may cease to a great extent, and that the evil of poisoning or killing husband of a wife, who does not agree with him, and who has a lover ready to take her, will easily find its way as is some time the case in a caste in which widow remarriage is permitted.

II. Reformers have, however, been working very hard to see the position of unfortunate young widows improved. Poet Dulputram of Ahmedabad and others have written books on the subject, while in many large towns societies have been formed with a view to encourage widow remarriage. Government have also been pleased to protect the interest of widows by promulgating Act XV. of 1856, and the existing Criminal Laws provide punishment for persons, who by threat or force may venture to prevent remarriage of a widow. Many enlightened persons, though not reformers, are privately too in favour of the practice of such marriage, by which many males particularly in small castes are likely to have better chances of getting married. The chief obstacle, however, in the way of this important reform is the fear of disgrace and deprivation of social intercourse with relations and caste people. The question for consideration is, therefore, as to how this obstacle can be removed?

III. Widow remarriage is allowed amongst Muhammadans and Parsis, but many of them don't avail themselves of this privilege from a consideration of respect and love for the departed husband or his family. The same case is and will be amongst Hindus also in the event of the present prohibition being got rid of. Many widows amongst them are quite content with their present position, while others are satisfied with their devotion to religious matters. It is, however, desirable that the obstacle in the way of widow remarriage should be removed.

IV. Government appear to have passed Act XV. of 1856 and the Parsi law on representations submitted by a body of Hindus and Parsis, respectively. No such application has, however, been made by any portion of the Hindu community to introduce any law as Mr. B. M. Malabari now presses Government to do, and I would not recommend one in a matter which is entirely of social concern, connected with religious difficulty or prejudices. The best thing which Government may now conveniently do towards reform in this direction will be to ask their Heads of Departments to give hearty co-operation to societies, which are already in existence, or which may hereafter be established for the encouragement of widow remarriage, to give pecuniary help to persons who may be dragged to civil or criminal courts in cases connected with the celebration of marriage with a widow, provided they are poor and

unable to obtain any assistance of the kind from any society established for the object, and finally to invite native chiefs to adopt the same course in their territories. I may add here that the present young men amongst Hindus are too sanguine about this reform, and I have reasons to hope that a perceptible change will take place in a few years without any trouble to Government.

From Mr. SHAKHARAM ARJUN, to His Excellency Sir JAMES FERGUSSON, BART., K.C.M.G., C.I.E., Governor in Council, Bombay,—Dated Bombay, the 18th February 1886.

As required by Your Excellency, I have the honour to state briefly my views on the two interesting notes on "Infant Marriage" and "Enforced Widowhood" by Mr. Malabari with the copies of which I have been furnished at Your Excellency's desire.

At the outset I may observe that the two evils for the eradication of which Mr. Malabari fights with so much eloquence and earnestness affect all sections of our community, though naturally the Hindus are the greatest sufferers. Even prejudice cannot deny the opportuneness and necessity of the social reforms for the initiation of which Mr. Malabari calls upon Government and the leaders of the community alike. The graphic picture of the miseries of the girl-bride and the girl-widow which the writer so vividly draws is not painted in the least a shade too deep and cannot fail to carry conviction to the mind of even a casual observer of the Hindu society.

Whether, therefore, the expectation of Mr. Malabari of getting the Legislature to help him is satisfied or not, there can be no manner of doubt that the agitation he has started is not only calculated to stimulate the energy and shake off the lethargy of our social reformers, but the prospect of a legislative interference might make the people at large mend the errors of their ways.

Infant marriages as such having reached their crisis are happily now on the wane. Hardly any town or city of importance witnesses them in these days. The ever progressing spread of education and the increasing contact with western thought and civilization are the salutary agencies to which happily the growing scarcity of infant marriages is mainly due I am aware that Gujerat and parts of the mofussil far too much removed from the beneficial influences of western culture, occasionally indulge in the suicidal and demoralizing luxury of infant marriages, but this very fact rather proves the exception than the rule.

We have therefore to deal not so much with "infant marriages" as with "early marriages." Now, most, if not all, of the evils which follow in the wake of these marriages can be obviated if the pernicious practice that obtains among the Hindus, that of arranging the marriage (*i. e.*, betrothal) and its make-believe completion (*i. e.*, Saptapadi which makes marriage indissoluble) at one and the same time, is done away with. What is wanted is the separation of the marriage (betrothal) and the consummation into two distinct ceremonies. If this is done, I don't think that much harm would come of the system of subjecting our girls to marry before they attain puberty in the sense in which our people understand the word. Taking human nature as it is, bearing in mind the climatic influences on the Native physique, and the enervating effect of social customs, recognizing the fact that the mental culture—the basis of self-restraint—of our community, particularly the female part of it, is at best only partially developed and must continue to be so for years to come—all these facts considered, I am fully persuaded that our system of marriage is most wholesome under present circumstances, whatever our English friends may think of it, and is eminently adapted to prevent those dread contingencies to which late marriages are exposed. The great aim, therefore, of our reformers should be, I think, to unite their efforts to get people to regard marriage and consummation as two essentially distinct ceremonies and to make them defer the latter till the married couple arrives to maturer years. Their efforts in this direction are likely to be crowned with speedy success. For the baneful effects of early consummation have been so patent and far-reaching, that men who would not budge an inch of their orthodoxy in other matters, now willingly defer the consummation of marriage in the case of their children to a pretty long period.

Sufficient evidence can be adduced to prove that there was a time in the history of the Hindus when marriage was performed at an age when the parties were capable of immediately consummating it; and the only safe inference that can be drawn from those texts of the Vedas, which give directions about the mode of consummating the marriage is, that the marriageable age contemplated therein must have been a considerably advanced one; for these instructions would be unintelligible and meaningless to parties in whose special behoof they were laid down, if they happened to be of tender years.

If the leaders of our community therefore strove to revert to this good old practice, they are likely to succeed in accomplishing their object more easily than if they were to attempt to import a reform which, whatever its intrinsic merit, has the look of being outlandish, and which, therefore, is naturally repulsive to the feelings of the mass of the population.

"Enforced widowhood," though an institution of a pretty long standing among the Brahmanical classes has been of comparatively recent origin in the other castes. The introduction of this pernicious custom in the non-Brahmanical classes is due to that rage for imitating their superiors which constantly seizes an inferior class, whether in politics or religion, in literature or art. In our own days, the eagerness for indiscriminate adoption of the foibles, nay even the follies, of our English rulers, which many of our countrymen display, is an illustration in point of this passion for imitating our superiors.

Thus unmindful of the ulterior consequences which this system entailed on the physique and morals, the so-called inferior classes of the Hindu community rigidly followed the practice of "enforced widowhood," the more so as the priestly caste took care to surround it with a halo of sanctity and merit unknown before.

It is quite possible to argue, as it has been argued, that some women prefer their widowhood to remarriage. Now, even in the case of these women the preference is due not so much to their appreciation of the intrinsic worth of the one over the other as to the fact that the one is associated in the popular (*i. e.*, of the community to which the widow belonged) mind with superior merit and the other with moral turpitude. But the number of such widows is but an insignificant portion of the whole class. Free choice and freedom from caste persecution must be given to those who are disposed to remarry.

That widow remarriage could not be forbidden by Hindu religion as such is amply proved by its prevalence in several sections of the higher classes.

The beneficial effect of widow remarriage cannot be exaggerated. Experience has shown that its adoption in certain higher classes of widows has acted as an efficient safety-valve against unchastity and the horrible crime of child-murder.

Such being the evils, as eloquently described by Mr. Malabari which corrode the very vitals of Hindu society, the question arises—Is there any agency which is potent enough to effect a radical cure? and here it is that opinions are most apt to differ. Most of the officials, and a large number of my Native friends whose opinions are entitled to respect, deprecate legislative interference with matters social. I readily believe that this is a sound doctrine, and cannot in theory be disputed. But every theory has to be modified in practice to suit particular exigencies.

In a country like India, where the Government has been taking, and must continue for a long time to take, a paternal interest in the welfare of its subjects, it has several delicate responsibilities thrown upon it, which it would, but which it cannot, escape. Government must for many years continue to do many things *for* the people, and cannot leave them to be done *by* them. Sensible as I am of the laudable reluctance of Government to interfere in matters of social or domestic reform, I cannot help thinking that Mr. Malabari's appeal to Government is not so groundless as some of his critics seem to imagine. If Government, in spite of its declared policy of non-interference with the religious or social customs of its subjects, has had frequently to step in and to put down the so-called customs which resulted in obvious wickedness or immorality, can Government escape its responsibility when it is called upon to remove evils the baneful effects of which are acknowledged all but universally, simply because these results do not manifest themselves obtrusively, or because the wickedness or immorality which they cause is rarely permitted to see the light?

Delicate as the subject is, particularly in a country where custom, religion and law are so inextricably mixed up, that with the ordinary native the one passes for the other, Government like the British, whose sense of justice and equity is so strong and fine, cannot but take part in accelerating a reform fraught with so much potential good to millions of its subjects.

It may be observed here in passing that, if, on the one hand, an ordinary Native confounds his social customs, which are a combination of personal hygiene and law, and mistakes हिंदु धर्म (*i. e.*, Hindu religion) for धर्म शास्त्र (*i. e.*, code or science of duties or law), Government, on the other hand, in my humble opinion, have complicated matters by not as yet making carefully a proper differentiation between Hindu law, religion and custom. If a rigid distinction had once been made by the Legislature between the Hindu law, religion and custom, a great many difficulties, which now stifle the growth of reform, might have been easily removed. If Hindu law is disassociated from Hindu religion, as it properly should be, its absurdities and enormities are sufficiently glaring to number its days.

If Government is not prepared to directly interfere in the matter, I think it can safely tread in the lines indicated by the late Lieutenant-Governor of Bengal. This course is perhaps the more advisable to take, as while it would tend to compass the object Mr. Malabari has at heart, it would not do open violence to the cherished prejudices of the various classes of which the Indian community is composed.

"There was one thing however," said Sir William Muir, "which the law might do, and that was to stipulate that the betrothals made in tender years by third parties should not be enforced as contracts demanding specific performance, unless there was a ratification of the betrothal by the principal contracting parties after they had arrived at maturer years."

One whose sense of justice and equity is refined by intercourse with western ideas is bewildered in the attempt to reconcile the fact that along with the British law which fixes the age of discretion and enacts that all contracts entered into by minors are not binding, Government rigidly administers the Hindu Law, which is, to put it most mildly, anything but in harmony with reason, justice, and equity which entails unnameable miseries on the greater parts of its victims, a law which reckons a girl to have arrived at the age of discretion when she is married; which recognizes a contract as binding upon parties whose consent has never been obtained and which contract is entered into by third parties from motives often bordering on gross selfishness.

I therefore would wish that Goverment saw their way to act in the direction suggested by Sir William Muir and fix the age of discretion of a girl and make the marriage of minors liable to be disputed in a court of law unless it is ratified by consummation which can only be legal when the parties arrive at years of discretion.

Some such enactment, while it would relieve Government from the odium of direct interference with social customs, would tend greatly to secure the great object in view, *viz.*, the discouragement of early marriage. It would infuse a salutary fear in the minds of those who are tempted wittingly or unwittingly into making a wreck of the life of the young people entrusted to their care, and strengthen the hands of the reformers.

The Hindu character (fortunately the evil is not so wide-spread in the other classes of Natives) being what it is, I know the strong power of the law would be rarely invoked to redress the iniquity of custom. But there can be no doubt that the very fact that, if the law were appealed to, the decision will be invariably against it, would be a sufficiently powerful deterrent to the evil custom of early marriage.

I deprecate the University proscription which Mr. Malabari advocates. The area covered by the higher education is so limited that nothing would justify our circumscribing it still further. Moreover, the course which Mr. Malabari suggests would not be an equitable one. The University shall be punishing youths for no faults of their own but for the sins of their parents. But irrespective of either of these considerations, the University education is such a mighty agency for reform that any let or hindrance (in addition to those which already exist) to its diffusion would, I fear, be anything but suicidal.

In conclusion I may observe that there are several agencies at work which are slowly but surely undermining the foundation of rank, superstition and misguided selfishness. The growing spread of primary education among the masses, the extension of higher education, the progress of railways, the closer contact with western thought and culture, the increasing facilities afforded and largely availed of of a travel to Europe and England, all these together and every one of them singly is a nail in the coffin of blind prejudice and settled ignorance. But these agencies, however powerful in themselves, are of slow growth. The evils to which Mr. Malabari draws the attention of Your Excellency's Government are crying grievances of India, Legislature, if it cannot entirely bring about, can greatly accelerate the reforms he points out.

But of all the agencies which tend to hasten the "consummation so devoutly wished," none is more cogent than the one Your Excellency has been instrumental in initiating. An agency which will revolutionize the thoughts and aspirations of the better half of the native community—an agency which of all others is the surest means of social and domestic reform—I mean the movement which Your Excellency has started for the higher education of women.

I am sorry these few remarks had to be delayed so long on account of unavoidable causes.

From S. H. CHIPLONKAR, Esq., C.S.I., to the Secretary to the Government of Bombay, General Department,—Dated Poona, the 20th February 1885.

In reply to your Office letters Nos. 4163 and 297, dated the 13th November last and the 28th January last, respectively, I have the honour to state that the letter published in the

Bombay dailies under my signature (of which I enclose a copy herewith) represents my views on the first of the two subjects raised by Mr. B. M. Malabari. As regards the second subject, I have put forth my views thereon in a separate memorandum, a copy of which I submit herewith for the consideration of His Excellency the Governor in Council. In this second memorandum I have availed myself of the present opportunity to refute to the best of my ability those objections which were urged against my first memorandum by Mr. Malabari and his supporters in the press.

Infant Marriage and Enforced Widowhood.

1.

A good deal of discussion has been raised upon this subject by the publication of two interesting Notes by Mr. Behramje M. Malabari of the *Indian Spectator,* and of the opinions thereon by some influential members of the Government of India and by some Native gentlemen of position and influence. Over and above this several Anglo-Indian and Native newspapers have had their say upon the subject, principally one-sided. I propose in this Note to test the accuracy and sobriety of the said views by the light of facts and figures; for we have certainly now left far behind that stage when sensational writing, regardless of facts and figures, is deemed necessary with the object of forcibly directing public attention to any given subject. Accordingly I shall at once proceed to the proposed examination, only adding that I must thank Mr. Malabari for having thus afforded me this opportunity of putting forth a plain, unvarnished statement of facts. Exaggerated notions on the subject of Infant Marriage and Enforced Widowhood amongst the Hindu community appear to prevail very largely in many quarters. And I deem it absolutely necessary that those, who desire to see both these evil customs entirely die out, must take a due note of their real extent and nature, and then apply themselves to devise adequate remedies. Mr. Malabari like several others appears to be under the misapprehension that both the systems are very largely prevalent amongst all the different sub-divisions of the Hindu community. Nothing can be a greater mistake than to be labouring under such an utterly unfounded notion. Again Mr. Malabari appears to be under the impression that the system of infant marriage prevails very largely amongst the Brahmins especially, whereas the truth is, as I shall presently show, that the system is the least prevalent amongst the Brahmins, as compared with the non-Brahmanical sections of the Hindu community. The system in question is also not confined to the Hindu community only, but is more or less prevalent among the Muhammadans and other native communities, even Parsis not excepted.

First of all then I shall produce here some statistical information compiled from the Bombay Census Report of 1881. The statement in question, which is given at the end of this Note, has reference to the Hindu community of this Presidency, and gives for each of the six territorial divisions of this Presidency the number of single, married, and widowed boys and girls in each of the two age-periods, *viz.,* under 10 years and 10 to 14 years. It also gives the proportion of married boys and girls under 15 to the total number of boys and girls under that age. I shall briefly summarize here the instructive results to be deduced from that statement.

In Gujerath we have 14 per cent. of boys and 27 per cent. of girls married under 15; in Konkan 4 per cent. of boys and 21 per cent. of girls; in the Deccan 7 per cent. of boys and 26 per cent. of girls; in the Western Karnatic 8 per cent. of boys and 33 per cent. of girls; in Sind 3 per cent. of boys, and 9 per cent. of girls; and in the Presidency Town of Bombay 8 per cent. of boys and 28 per cent. of girls. Again if we drop the second age-period from our calculations altogether, we obtain the following rough percentage for each of the six territorial divisions:—Gujerath, boys 6 per cent., girls 13 per cent; Konkan, boys 1 per cent., girls 8 per cent.; Deccan, boys 2 per cent., girls 9 per cent.; Western Karnatic, boys 3 per cent., girls 14 per cent.; Sind, boys ⅜ per cent., girls 2 per cent.; the Presidency Town of Bombay, boys 2 per cent., girls 7 per cent. Such in short is the real extent of the evil of infant marriage complained of, so far as the Hindu community as a whole is concerned. The detailed information upon which the said tabular statement is based may be obtained by any one, desirous of verifying the figures for himself, from Mr. Baines' Census Report of the Bombay Presidency (Volume II., pages 10 and 11). Now it is to be regretted that the said Report does not give us similar information for each of the several sections of the Hindu community. There is, however, one tabular statement in the same volume (*vide* pages 41—49 of Appendix C—Supplementary Returns) which throws considerable light upon this aspect of the question. Mr. Malabari would, I think, do well to carefully study that statement. A cursory reference to that statement will satisfy even the most fastidious sceptic that, except among the eight

sections of the Gujerathi Brahmins, the number of boys married under 15 is invariably less than 60 per thousand, or 6 per cent.; while for girls the proportion is on an average 300 per thousand, or 30 per cent. The same proportion is maintained even among some of the lower classes of the Hindu community, while there are others among whom the proportion rises higher. Again it must not be forgotten that there is nothing in the Hindu religion to compel parents to marry their daughters before the tenth year on penalty of excommunication. On the contrary there are cases within the knowledge of most of my co-religionists of even Brahmin girls remaining unmarried till 13 or even 14. As a general rule all Hindu girls are married before they reach their puberty; though, even if a girl should remain single after she shall have reached that age, her parents are not necessarily excommunicated. Again as a general rule no Hindu girl is married before she has entered upon her eighth year, and nothing can therefore be more incorrect than to describe all these marriages as infant marriages. I may even add that, except in Gujerath and the adjoining Native States, infant marriages in the proper and literal sense of that term are almost unknown. And even there this system is principally confined to one section of the Hindu community, *viz.*, the Kaidwa Kanbis (*vide* the Baroda Census Report of 1881, pages 116-17) among whom the marriage season comes once in a period of ten or twelve years. Mr. G. K. Bhatavadekar, the Census Superintendent, Baroda, writes in his very interesting report (page 117) that "out of the 23,478 married children (*i. e.* of both sexes under six years) among the Hindus, 16,320 children belong to the Kaidwa Kanbi caste." I may, however, here add that the redeeming feature about this system is that widow marriage is not prohibited. Mr. Bhatavadekar further tells us (page 118) that "the figures noticed above, however, are rather exceptions, for the average age of marriage in each religion is much higher than 5. Among the Hindus 10 to 11 seems to be the average age of marriage for girls, and 15 to 19 for boys. Among the Muhammadans, the average marriage age seems to be 10 to 24, or rather 12 to 19 for females, and 15 to 24 for males. Among the Jains the average marriage period is the same as among the Hindus. Among the Parsis the average marriage period seems to be from 12 to 19, and among the Aborigines and Christians it seems to be above 15 for females, and above 20 for males." I must here add that the exceptional system of baby marriage, which prevails among the Kaidva Kanbis for the reason already stated above, prevails also to some extent not only among the other classes of the Hindu community but even among Muhammadans, Jains, Aborigines and also Parsis; for it seems from the table at page 118 of the Baroda Census Report that there were on the day of the Census the following number of children under 6 years married in the respective communities:—Muhammadans, 197 boys, 341 girls; Jains, 13 boys, 46 girls; Aborigines, 37 boys, 30 girls; and Parsis, 4 boys, 13 girls. These figures are significant, though exceptional, and speak for themselves. And they can be explained away only on the supposition that the larger and more predominant caste almost invariably sets the fashion, and thus the contagion spreads. The Kaidwa Kanbis have at any rate some excuse in their curious custom of a periodically recurring marriage season; but the other races mentioned above cannot decently reasonably plead any such excuse. I may also add that cases of unequal matches,—unequal I mean in the sense of the bride being older than the bridegroom,—would seem to occur most in this Kaidwa Kanbi caste especially. Nothing, however, can be a greater mistake than to draw general inferences from such exceptional circumstances.

It will be useful if I give here a short tabular statement for the seven principal provinces of British India, giving the total number of Hindu boys and girls under 10 years, the total number of those married and widowed under that age, and the proportion which the latter bears to the former. I have no doubt that the following statement will prove a very interesting study to the reader because of its interesting and instructive results :—

PROVINCE.	HINDU BOYS.			HINDU GIRLS.		
	Total number under 10 years.	Total number of married and widowed.	Percentage.	Total number under 10 years.	Total number of married and widowed.	Percentage.
Bengal	6,442,284	357,890	5½	6,453,697	896,286	14
Berar	329,925	13,632	4	340,726	74,095	21¾
Central Provinces	1,107,442	28,727	2½	1,104,772	88,169	8
Madras	3,523,896	28,467	⅘	3,637,908	163,555	4½
North-Western Provinces	5,075,867	121,596	2⅖	4,762,291	258,325	5½
Punjab	940,722	10,467	1⅑	839,893	29,228	3½
Bombay	1,678,675	42,779	2½	1,653,495	172,892	10½

It will be seen from the above that early marriages are most prevalent in Berar and Bengal, and that both Madras and Punjab show splendid results. In Bombay the percentage of girls married under 10 is rather high. Another interesting fact to be learnt from the foregoing table is that in Bengal, Madras and Berar there is an excess of girls over boys, while in the remaining provinces the excess is in favour of boys. I shall not stop here to inquire what important bearing this latter fact, as disclosed by the tabular statement, has upon the social problem in the respective provinces.

It will be quite clear from the foregoing that, even if we confined our attention to the Hindu community wholly, cases of early marriages among boys are not quite so general as one would be led to infer from the perusal of Mr. Malabari's Notes. The extent of the evil—for I yield to none in regarding it as an evil all the same—is very limited, and so we must not allow our mind to be carried away by any exaggerated notions on the subject. I must also add that unfortunately we have not got similar statistics in the Census Report of 1872; otherwise I could have shown by the production of infallible evidence that early marriages are now less frequent, to howsoever small an extent, than they used to be before. I do not mean to convey an impression that the necessary reform has been widely introduced in all the sections of the Hindu community; all I say is that slowly but surely such marriages are becoming less frequent every year. My own experience points in that direction, and I have no doubt that the experience of others is of the same character.

Mr. Malabari in his Note on Infant Marriage suggests that the Universities should rule that they will confer their degrees on unmarried students only, and further that Government authorities should rule that they will prefer unmarried to married candidates in disposing of their patronage. As regards the first suggestion, I should think it to be quite practicable, and one which our Universities might reasonably be expected to adopt. I do not think there is much force in what Mr. Lee-Warner says about such a suggestion being outside the legitimate province of their functions. Until very recently English Universities did impose such a condition in respect of their fellowships and degrees, and I further understand that a few of them do even now impose such a restriction. If my information be correct, I fail to see how it would be *ultra vires* of our Indian Universities following the same example. Again such a rule, if enforced by our Universities, would, I should think, be in full accordance with the accepted principles both of the Hindu and Moslem religions. The time-honoured Hindu principle is that so long as a boy was under instruction, he should remain single or bachelor; while the Mahomedan religion enjoins, I understand, that no Mahomedan girl should be married before she had reached the age of puberty, thus necessitating that no boy should be married before he had completed his minority. As a general rule, candidates for University distinction take their degree before 21. Thus far I agree with Mr. Malabari, but I am afraid that Mr. Malabari is greatly mistaken if he supposes that such a ruling on the part of our Indian Universities can produce any appreciable effect whatever on the masses. The class of people that come under the influence of our universities is so small that it would be no exaggeration to say that it is a mere drop in the ocean. If we confine our attention to the Bombay University we shall see that the number of candidates, that appear for the Matriculation Examination every year, comes up to about 2,000, and that of this number one-fourth on an average is every year successful. Of those that pass all do not go to the colleges, the great majority being prevented by force of circumstances from availing themselves of the higher education. Let Mr. Malabari, for instance, take any particular period, say, 1872-73 to 1880-81, and find out for himself how many of the total number of those, that matriculated during that period, attended colleges or succeeded in taking their degree. I am not at all opposed to our Indian Universities framing such a rule as the one suggested by Mr. Malabari, but it should not be forgotten that the adoption of it will have no really appreciable effect on the deplorable system of early marriage. Such a rule would be desirable on purely educational grounds. I must, however, add that even without such a rule we are gradually and in the natural course of things progressing towards the attainment of the great object in view. Some fifteen years back it was not quite an unusual sight to come across among those who were then studying for their degree in our colleges some under-graduates who had already had one or two children, but I feel almost sure that such cases are now in these days almost conspicuous by their absence. I am sure that the foregoing circumstances is a proof positive of the advance we have already made, and that during the course of the next twenty years we shall make further progress without resort to any special expedients.

As regards Mr. Malabari's second suggestion I am afraid it will in practice be found to be quite unworkable. Applicants for situations in the public service are, as a general rule, persons who have attained their majority; that is, persons who have completed their twenty-first year. I do not think it will be quite proper to impose any condition of the kind suggested by Mr.

Malabari upon such a class of people. Besides this objection the suggested expedient is also open to the same objections as the last-named expedient; for if we compare the number of those that will be affected by such a rule with the vast mass that will never come under its operation, the expedient suggested will appear to be simply a flea-bite.

I am afraid that Mr. Malabari never took the trouble of studying the question by the light of statistics; otherwise I feel sure that he would never have over-drawn the picture as he has done. I fancy he will now be inclined to think that there is no case made out for legislative interference. During the last twenty years a good deal has been effected in the direction of discountenancing early marriages, so much so that, as justly observed by the learned writer of the Baroda Census Report, the average marriage age for girls among the Hindus is now between 10 and 11, whereas only twenty years since it was quite different. All this change which has been silently effected, is due to the civilizing agencies at work, and, being the result of conviction rather than of coercion, it will, I have no doubt, endure and lead to further change. During the next ten or twenty years we shall see a still greater change in the same direction, if the Hindu mind, which is very conservative and impatient—nay suspicious—of all external influence, does not undergo any revulsion of feelings in consequence of any outside pressure, howsoever benevolent in itself. There is absolutely no evidence to show that we have gone from bad to worse or from worse to worst during the last twenty years owing to our having allowed things to take care of themselves; on the contrary, there is ample evidence to show that we have certainly made some real progress in the proper direction to howsoever small an extent. Interference by a benevolent paternal despotism, whether indigenous or foreign, is always to be deprecated in the case of social or religious reformation. And I fully agree with Mr. Secretary Mackenzie in the sound advice he has given to Mr. Malabari, who would do well to re-read and specially study the chapter on Spain in the second volume of Buckle's History of Civilization in England.

In conclusion I have only to add that this system of early marriages, which is now prevalent among the Hindus, is an institution of only modern growth. It originated with the last years of the Peishwa dynasty, and received abnormal development in the early years of British administration, so far at least as this part of the country is concerned. Soon after the establishment of schools and colleges and immediately after the close of the mutiny of 1857 the early pioneers of social reform directed their attention to this among other subjects, and they and their successors have been silently working in the proper direction with considerable success thus far, and with the prospect of a still greater success in the immediate future. My esteemed friend, Mr. M. G. Ranade, who has had a very considerable hand in all these movements, knows this as well as any other body, and it is to be regretted that in his very courteous reply to Mr. Malabari he did not draw the attention of the former to the real extent and nature of the evil. I shall conclude my observations here, hoping to deal with the subject of the second Note by Mr. Malabari on Enforced Widowhood in a separate memorandum.

Boys.	Hindu.	Girls.
	GUJERATHI	
287,261	Under 10 years single	250,113
106,067	10 to 14 " "	47,833
393,328	Total of Single	297,946
17,587	Under 10 years married	36,582
41,458	10 to 14 " "	65,812
740	Under 10 " widowed	1,145
1,480	10 to 14 " "	2,432
61,265	Total of married and widowed	105,971
454,593	Grand Total under 15 years	403,917
14 per cent.	Proportion of married to total	27 per cent.
	KONKAN.	
318,848	Under 10 years single	293,769
105,337	10 to 14 " "	35,137
424,185	Total of Single	328,906
3,798	Under 10 years married	24,047
13,770	10 to 14 " "	58,825
98	Under 10 " widowed	489
359	10 to 14 " "	2,287
18,025	Total of married and widowed	85,648
442,210	Grand Total under 15 years	414,554
4 per cent.	Proportion of married to Total	21 per cent.

Boys.	Hindu.	Girls.
	DECCAN.	
643,291	Under 10 years single	594,849
256,678	10 to 14 " "	76 250
899,969	Total of Single	671,099
10,936	Under 10 years married	63,077
52,843	10 to 14 " "	168,718
525	Under 10 " widowed	1,453
2,045	10 to 14 " "	5,995
66,349	Total of married and widowed	239,243
966,318	Grand Total under 15 years	910,342
7 per cent.	Proportion of married to Total	26 per cent.
	WESTERN CARNATIC.	
286,357	Under 10 years single	252,519
147,185	10 to 14 " "	54,406
433,542	Total of Single	276,925
6,930	Under 10 years married	39,535
26,959	10 to 14 " "	89,532
713	Under 10 " widowed	2,154
3,671	10 to 14 " "	7,988
38,273	Total of married and widowed	139,209
471,815	Grand Total under 15 years	416,134
8 per cent.	Proportion of married to Total	33 per cent.
	SIND.	
47,702	Under 10 years single	42,180
16,442	10 to 14 " "	7,661
64,144	Total of Single	49,841
328	Under 10 years married	889
1,628	10 to 14 " "	4,067
3	Under 10 " widowed	11
26	10 to 14 " "	70
1,985	Total of married and widowed	5,037
66,129	Grand Total under 15 years	54,878
3 per cent.	Proportion of married to Total	9 per cent.
	BOMBAY CITY.	
52,437	Under 10 years single	47,173
21,606	10 to 14 " "	3,087
74,043	Total of Single	50,260
1,101	Under 10 years married	3,432
5,849	10 to 14 " "	15,666
10	Under 10 " widowed	78
71	10 to 14 " "	294
7,031	Total of married and widowed	19,470
81,074	Grand Total under 15 years	69,730
8 per cent.	Proportion of married to Total	28 per cent.

Boys.	Hindu.	Girls.
	BOMBAY PRESIDENCY.	
1,635,896	Under 10 years single	1,480,603
653,315	10 to 14 " "	224,474
2,289,211	Total of Single	1,705,077
40,690	Under 10 years married	167,562
142,517	10 to 14 " "	402,620
2,089	Under 10 years widowed	5,330
7,652	10 to 14 " "	19,066
192,948	Total of married and widowed	594,578
2,482,159	Grand Total under 15 years	2,299,655
8 per cent.	Proportion of married to Total	26 per cent.

Infant Marriage and Enforced Widowhood.

II.

In my first note on this dual subject I have in a general way shown by statistical information that the evil of Infant Marriage is not so universal as one would be inclined to infer from the highly coloured picture drawn by Mr. Malabari. In the present Note I propose to place on record my views on the subject of Enforced Widowhood, and to examine Mr. Malabari's views by the light of statistics. Before proceeding, however, to the immediate subject of the present Note it seems necessary to dispel certain delusions which, I have reasons to believe, are entertained by a section of those interested in the discussion of the subject of Infant Marriage. These people think that the inferences I have drawn in my first Note are not based upon adequate grounds, and that the statistical information given by me deals with such a large age-period that that information is practically useless. They say that I should have excluded all girls below 8 from the calculation, and should have given the figures for the age-period (7 to 9) and then drawn my inferences, which they imagine would show very large percentages of married girls to the total number of girls for that age-period. Such a percentage they imagine would exceed 75. In the first place I must remark, in partial justification of the course I adopted, firstly that when we find girls not only under 7, but even under 1 married, we cannot exclude them, nor the age-period they represent; and secondly that though such a course would be preferable on the ground that marriages under 7, being rare, have to be treated as an exception rather than the rule, the materials were not then available to me, nor are they so even now. The Bombay Census Report for 1881 does not, for instance, give us the figures of Hindu girls for the age-period specified above under civil condition; and the same remark applies to the general Indian Report. I am glad, however, to be able to supply that defect by some round-about way which, in the absence of a direct one, must be preferred. I shall accordingly place that evidence on record, as showing conclusively that the system of Infant Marriage does not prevail so largely as an average reader of Mr. Malabari's Notes would be persuaded to infer.

The statistical table, given at the end of my first Note, shows us that out of a total number of Hindu girls under 10 in the Bombay Presidency (1,653,495), only 172,892 were married (including those widowed); that is, 105 per 1,000 of the total number of Hindu girls in this presidency were found married on the day of the Census. When they were married, it is of course difficult to say. To avoid this confusion, however, I shall state the same conclusion in another way. We shall say that 895 out of every 1,000 girls were single. Now if the figures in the Baroda Census Report be examined, it will be found that in the Baroda territory out of a total number of Hindu girls under 10, (246,508), 202,475 or 825½ out of every 1,000 girls were single. These figures show that the system of Infant Marriage is more prevalent in the Baroda territories than in the Bombay Presidency. This is an inevitable conclusion, as the calculations in both the cases are quite identical. Now let us see what further light can be derived from the Baroda Census Report. I have already said above that that Report furnishes us with detailed figures for the particular age-period specified above. I shall accordingly reproduce those figures here for the sake of easy and convenient reference. These figures, I may here state at the outset, relate to those Hindu girls who, in the Baroda territories, on the day of the Census had completed their 7th, 8th, and 9th years respectively.

Single	20,015	21,996	9,184
Married	6,124	9,205	5,311
Widowed	111	176	124
Total	26,250	31,377	14,619
Proportion of Single to the Total per 1,000	762½	701	628½

Thus the proportion per hundred of single Hindu girls in the Baroda territories for each of the three years mentioned above is 76, 70, and 62 respectively. But I have shown above that the general proportion of single girls to the total number of Hindu girls under 10 in the Baroda territories is less than that which obtains in the Bombay Presidency; so we may fairly presume that if similar figures for the Bombay Presidency were available, they would show a larger proportion of single girls to the total number of Hindu girls for each of those three years. The foregoing tabular statement does, in my humble opinion, clearly prove that, so far as this Presidency is concerned, the extent of the evil is after all very limited, while in the case of the great majority of the provinces of British India, such as Madras, Punjab, North-West Provinces, Burmah, and the Central Provinces, it must be still more limited, as will be seen from a tabular statement given in my first Note (*vide* page 2). Bengal and Berars are the only two provinces of British India, the first of which will give as small a proportion of single girls as Baroda, while the latter will give a still smaller one.

There is another statement in my first Note, the accuracy and truth of which has been questioned in certain quarters, and I think I may as well avail myself of the present opportunity to adduce such proof as is available in support of the said statement. The statement in question is to the effect that early marriages are becoming less and less frequent than they were before; such is my own experience, and I have reasons to believe that there are many whose experience points in the same direction also. As, however, these statistics of the civil condition are not available in the Census Report of 1872, direct evidence is not possible, and I must, therefore, press into service such indirect evidence as is available, because Mr. Malabari and his small band of supporters assert that instead of these early marriages becoming less frequent, they are becoming more fashionable. The following tabular statement, in which I have compiled statistics from the Census Report 1881, will throw some light upon this part of the subject:—

Name of the Province.	Total number of Hindu girls under 10.	Total number of Hindu girls under 10 married and widowed.	Percentage of married and widowed to total.
Bombay Presidency (British)	1,653,495	172,892	10½
Bombay Feudatory States	646,380	71,563	11⅝
Baroda Territory	246,508	43,033	17½
Hyderabad (Nizam) territory	1,194,845	165,294	13 11/13

The foregoing statement is both interesting and instructive. It shows that early marriages are more frequent in the Native States than in the British territory, and it is quite natural that this should be so. And the reason is obvious; for from the educational point of view the population living in the British territory is, as a general rule, more advanced than their fellow-subjects residing in the Native States, and the former must, therefore, be presumed to be more alive to the evils of such a system than the latter, unless there are some other temporary causes operating the other way. And hence I am inclined to infer that when the population even in the British territory was educationally as backward as that in the Native States now is, the evil practice of Infant Marriage must have been more widely prevalent than it now is. In the absence of direct evidence, which one cannot but deplore, the foregoing evidence, even though of a very secondary and unsatisfactory character, is valuable, so far at least as it serves to confirm and strengthen the experience obtained by general observation.

It will be thus seen that in this Presidency the average marriage age for Hindu girls is between 10 and 12, or, to be more accurate, above 10 certainly. Now let us see if this average age at which marriages take place, not only in this Presidency but as a general rule in all parts of India, can in any sense be said to be very backward when compared with the minimum

marriageable age, which is fixed by the English law, and which is considered by that law to be sufficiently high for giving legal validity to the consent of the contracting parties. The following extract speaks for itself. "The next disability is want of age. This is sufficient to render voidable other contracts, on account of the imbecility of judgment in the infant who contracts; *a fortiori*, therefore, it ought to avoid this, the most important contract of any. Therefore, if a boy under fourteen, or a girl under twelve years of age, marries, this marriage is only inchoate and imperfect; and when either of them comes to the age of consent aforesaid, they may disagree and declare the marriage void, without any divorce or sentence in a court. This is founded on the civil law. But the canon law paid a greater regard to the constitution than the age of the parties; for if they were *habiles ad matrimonium*, it was a good marriage, whatever their age might be. And in our law it is so far a marriage that, if at the age of consent the contracting parties agree to continue together, they need not be married again."—(*Vide* Broome's Commentaries on the Law of England, Vol 1, page 526.) It will be thus seen that a girl who has completed her eleventh year, is according to the law of England considered to be of marriageable age; that is, if an English girl of that age gives her consent to an English boy of 14 or upwards, and subsequently refuses to fulfil the agreement involved in that act of consent, she renders herself civilly liable for a breach of contract. Now this age-limit is certainly not much higher than that which obtains generally in this country, and I presume that no one would be bold enough to advocate that a higher age-limit should be fixed by law for India, even if the advisability of legislative interference in such a matter were granted for the sake of argument. In short, I fail to see how legislative interference in such a matter can improve matters, unless the advocates of such interference desire thereby to deprive the matrimonial ceremony of its essentially religious and sacred character, and to convert it into a simple ordinary civil contract. This is, however, an entirely new aspect of the question, and rather irrelevant to the main question at issue as raised in Mr. Malabari's Notes. Those who seek legislative interference with such an object of view regard the question of actual limit, whether low or high, as of secondary importance provided the question is transferred from the sphere of religion to that of simple civil contract; while there are others who seek it with a view to effectually prevent infants or children below a certain given age from being united in the bonds of matrimony. To this latter class of the advocates of legislative interference the preceding argument, as based upon the analogy and precedent of the English law on the subject, is, I venture to hold, a sufficient reply. But there is even a more crushing reply, based upon practical experience, to this latter class of the advocates of legislative interference, which clearly illustrates how impotent legislation is to do any good in this direction so long as the people themselves are not ripe enough to undertake a social reform of their own free-will. The Brahmo Marriage Act defines such limits, 18 in the case of the bridegroom and 14 in the case of the bride. But did such an enactment, I ask, prevent the late Keshava Chandra Sen, the very author of that Act, from marrying his daughter, at that time under 14, to the Maharaja of Cooch Behar, who also was at the time of marriage under the minimum prescribed by law? And let the reader only realize to himself the very serious risk run by the late leader of the Brahmo Samaj, namely, the risk that if the Maharaja of Cooch Behar had been disposed on attaining the age of consent to repudiate the marriage, he could have easily done so. But did the full knowledge of the very serious risk involved prevent the late Keshava Babu from putting off that marriage? How do the advocates of legislative interference propose to get over this difficulty? If they are to be consistent and loyal to their theory, they ought to propose a measure which shall not only lay down the minimum limits, but shall in addition prescribe that any infringement of the law will be treated as a criminal offence, rendering the abettors of such infringement liable to imprisonment or fine or both ! ! !

Before concluding my observations on this subject, it would not be improper to try to examine if the system of late marriages is an unmixed good. We have some significant evidence on this subject in the last Census Report. Mr. Perkins, the Commissioner of Multan, notes with satisfaction "the gratifying fact that the custom of early nuptials of children is widely discouraged in this part of the world," even among the Hindus, and he ascribes to this circumstance "the exceptionally fine strength of the dwellers" in that tract. Mr. Perkins, however, adds that that custom "seems to lead to a considerable number of illicit amours." Again, Mr. Ibbetson, the Deputy Superintendent of Census in the Punjab, writes in his report as follow :—" At the same time adult marriage is not an unmixed good, as is shown by our criminal statistics. Apparently the nubile girl is better content to live with a husband chosen by her parents in her infancy than with no husband at all, and often remedies this latter state by taking to herself a lover, while the power of choice allowed to the virgin is often retained and exercised by the wife, and grievous scandals are the result." It should be here remem-

bered that Punjab is the *one* province among the seven principal provinces of India which, according to the tabular statement given in my first Note, shows very splendid and satisfactory results as regards the prevalence of the evil system of Infant Marriages. As regards the evil of which both Mr. Perkins aad Mr. Ibbetson complain, I should regard it to be in a great degree inseparable from the system of adult marriages, and I need not stop here to inquire whether in those countries where that system very largely prevails, the evil in question is not very much intensified owing to one cause or another. But the golden mean between these two rival systems with their attendant evils is easily attainable by the Hindu community in all parts of India, and I feel persuaded that with the rapid advance of education and the consequently increased awakening of the national intellect, that golden mean will ere long be attained, because even now we are surely, though slowly, drifting towards the desired goal.

In the concluding two paragraphs of his Note on Infant Marriage, Mr. Malabari writes of two "most obnoxious" forms of "early marriages," namely, the marriage of a young girl to a man of advanced years, who is generally a widower, and the marriage of a girl of 12 to 15 with a boy of 8 to 10. As regards the first it may be said that whenever a widower of 30 or upwards seeks to marry again, he generally selects as his new bride a girl who has, as a rule, completed her twelfth year. This is more especially true of that section of the Hindu community among whom the remarriage of widows is strictly prohibited, though it must be observed that such objectionable marriages are not less common among other sections of the Hindu community or even among the professors of other than the Hindu creed. All I can say is that such marriages are not more common among the Hindu than among other classes of people. And why Mr. Malabari should have specially selected the Hindu community for denouncing such marriages, when they are as common or as rare among them as among other classes of people is not apparent. As regards the second class of marriages, they are simply conspicuous by their absence, except perhaps in certain tracts of Gujerath in this Presidency, and even there it is extremely doubtful if those kinds of marriages are generally invested with any immoral tinge of the character that Mr. Malabari ascribes to such marriages. According to the Hindu Shastras the bride must invariably be younger than the bridegroom. In all decency Mr. Malabari was bound, when dealing with a subject affecting a community of whose manners and customs he can not be supposed to have any very intimate personal knowledge, to abstain from imputing to a whole community the faults which, even if they cannot be called altogether imaginary, belong only to an extremely limited section of that community. There is nothing in Mr. Malabari's Note to indicate that he is aware of this; on the contrary his impression seems to be,—at any rate the perusal of his Note will, I am sure, leave such an impression on the mind of his reader who may be as ignorant as, if not more so than, Mr. Malabari of the bearings of the subject dealt with,—that this latter form of Infant Marriages is so common a feature of the Hindu community as to call for legislative interference. Nothing can, however, be more untruthful than such an impression. And even granting for the sake of argument that such marriages as Mr. Malabari describes in the concluding paragraph of his Note do take place among an insignificant section of the community, is it fair, I ask, on the part of any writer, not belonging to the community, howsoever noble his intentions may be, to describe such an abnormal perversion of the ordinary practice as a national custom, and thereby scandalize a whole community? In a small tract of Bengal, and that, too, among a very insignificant number, we find polygamy prevailing; and similarly in a small tract of Punjab, and also in a small tract in the South of India on the western coast under similar conditions, we find polyandry prevailing. And if on such meagre evidence as this a public writer seriously came forward and told the world that polygamy and polyandry were widely prevailing national customs among the Hindus, will not such a writer, I ask, lay himself open to being strongly denounced and that too deservedly? I am really sorry that Mr. Malabari has rendered himself liable to being similarly denounced. He has to thank himself only for this; for he by his extravagant misrepresentation, and still more by his reckless and inconsiderate denunciation, forfeited all claims to the indulgent and considerate treatment at the hands of the representatives of the community so persistently misrepresented by him. When a whole community or nationality is wantonly maligned, plain speaking becomes an imperative duty, for the obvious reason that communal or national character cannot be allowed to be dragged into the mire.

I now turn to Mr. Malabari's Note on Enforced Widowhood. Some prefatory observations in connection with this subject appear to me to be absolutely necessary before proceeding to deal with this Note. The first question that occurs to me after perusing this Note is. Is the system of Enforced Widowhood common to all classes of the Hindu community, or is it restricted in its operation? There is nothing in the Note to indicate that Mr. Malabari is aware

of the true answer to this question. The perusal of his Note is calculated to impart an altogether untruthful impression to an unwary reader or to a foreigner. The true answer to the question formulated above is, that the system of Enforced Widowhood is prevalent, not among the Hindu community as a whole, but only among an extremely limited section of that community. I have yet to learn, for instance, that if a Maratha Kunbi wishes to marry a widow of his caste, or if a Maratha widow wishes to remarry, he or she cannot do so because of the existence of any social, religious or civil disabilities attaching to such a marriage. There is one very pertinent remark which occurs to me, and which will not be out of place here. The Brahmin law-giver, and the Brahmin priesthood are sometimes denounced, as in the Note, as being extremely selfish and partial to themselves, inasmuch as they are supposed to have monopolized all the worldly blessings to themselves at the expense of the lower classes of the Hindu community. Now what do we find in the present case? The enforced celibacy of the widow is generally believed to be "a life worse than death" and one would have thought that the "selfish" Brahmin had reserved such "a life worse than death" to the lower classes of the Hindu community. No. He prescribed that life for the women of his own class,—such of them I mean, as may be unfortunate in losing their husbands prematurely or otherwise. So the truth is that, except among the Brahmin and semi-Brahmin classes of the Hindu community, no such disabilities exist. Mr. Malabari is evidently ignorant of this fact, and because the statement of this fact was news to him, and because it did not tally with his preconceived notions, he resented all attempts at correcting him, which were made in certain quarters. I have said above that, except among the classes particularized by me, there are no disabilities whatever attaching to the remarriage of widows. I may now add that, among by far the largest majority of the Hindu community not only is the remarriage of widows permitted, but even divorce and subsequent remarriage are by no means uncommon. If Mr. Malabari or any of those who may agree with him in the views he propounds, will examine the advertisement columns of the Marathi newspapers for any given month, he will, I have no doubt, find ample material in corroboration of my statement that even divorce and subsequent remarriage, to say nothing of the remarriage of widows, are by no means uncommon among the lower classes of the Hindu community. Now it will be plain from the foregoing observations that the system of Enforced Widowhood is not universal in its operation, but is extremely limited in its application. Some specific idea of the number of females affected by this custom may be formed by comparing the total number of Brahmin and semi-Brahmin females of all ages, for instance in the Bombay Presidency, with the total number of Hindu females of all ages therein. The total number of the former is 315,703, while the corresponding number of the latter is 6,016,984; or, in other words, only 5½ per cent. of the total number of Hindu femles in this Presidency are affected by this custom. As regards the remaining 94½ per cent. any of them, when widowed, is at perfect liberty to remarry if she only chooses to do so And this freedom is not nominal only as Mr. Malabari supposes, but hundreds of such cases annually occur as a matter of fact in which the freedom is practically availed of. If it had been otherwise, the percentage of widows to the total population would have been much larger among the Hindus than among the Muhammadans, for instance, among whom no such restriction exists. But what are the actual facts? Mr. Bourdillon, the Deputy Superintendent of Census in the Bengal Presidency, writes as follows in his report:— "It is remarkable that the proportion of widows among the Hindus should be so little greater than among the Muhammedans, 26·7 per cent. to 25·1 per cent. *The well-known objection to the remarriage af Hindu widows might have been expected to produce a greater difference. The objection is, however, of but little influence among the mass of the lower castes who constitute the majority of the Hindu people.*" If Mr. Malabari had made an inquiry and ascertained the real facts before venturing to write his Notes on Enforced Widowhood, he would have certainly hesitated to write in the way he has done. I have thus conclusively shown in the foregoing observations that far from its being universal in its operation, the system of Enforced Widowhood is very extremely limited in its operation. I must also observe here, that though no disabilities, social, religious or civil, attach to the remarriage of widows among by far the largest majority of the Hindu community, and though the actual freedom in this respect is availed of largely by those concerned, still there is an appreciably large number of widows of this class who do not choose to remarry, or who perhaps do not find suitable persons to marry them. I believe that remarriage of widows is more or less deprecated by all classes of people irrespective of their nationality, and in every country also; at any rate it seems to be regarded as a meritorious act on the part of a woman if after the death of her husband she does not enter into matrimony a second time. We are told by Mr. Ibbetson that "at the same time it is remarked by district officers from several distant parts of the province, that a prejudice is gaining ground among the

higher classes of Muhammadans *akin to that which exists among the higher castes of Hindus,* and that among them also the remarriage of a widow is becoming less and less common, and Mr. Frizelle writes of Shahpur that the remarriage of widows is almost unknown in the district, even among the commonest classes, and that the custom simply does not exist as a custom, at any rate among the Musalmans." This testimony is by no means surprising; for the single fact that even in those communities, whether European or Asiatic, among whom widow-marriages are not prohibited, even widowers—well-to-do and rich widowers I mean—when marrying a second time prefer virgins to widows as a general rule, is a proof positive in my humble opinion clearly illustrating the truth of the observation I have made above, that widow marriages are more or less deprecated and discouraged by all nationalities and in all countries. For instance, an aristocratic lady, though Maratha by caste and as such quite free to marry again if she chooses on the death of her husband, will be prevented by the ruling fashion or etiquette of the aristocracy from remarrying on her becoming a widow. The same remark applies to Mahomedan ladies of high rank. And I doubt if among the socially higher classes in the civilized countries of the West widow marriages are as common as among the middle and lower classes. I should not be surprised if on enquiry it turned out that widow marriages are largely discouraged among the higher classes even in those countries, not by religion of course but by the artificial etiquette of the community concerned. In this respect it is at any rate certain that a woman does not enjoy the same liberty that a man enjoys, though theoretically speaking there is no reason why the former may not marry as often as the latter. Be this as it may, the fact remains all the same,—and the provincial reports of the late Census operations bear ample testimony to the fact—that the higher the social or worldly status any particular section of a community occupies in the estimation of others as well its own, the greater are the artificial restrictions imposed upon the widows of that section, no matter what the general law affecting the whole community may be. The tendency always is in the direction of imposing such artificial restrictions owing to the real or supposed moral and consequently social superiority which the willing or compulsory submission to such restriction necessarily implies. Instances are not wanting of certain sections of the Hindu community having voluntarily subjected themselves to such restrictions under the foolish impression that thereby they would be raised to the higher level occupied by the Brahmins for ages past. If such sections of the Hindu community are excluded, it will be found, I believe, that the actual number of Hindu females in this Presidency, who are affected by this custom of enforced widowhood, is much smaller than the figure I have given above. The materials necessary for separating the one from the other are, however, not available to me; and so I shall proceed on the assumption that the said system *does* affect the total number of the Brahmin and semi-Brahmin females of all ages as given above.

The foregoing observations will, it is hoped, enable the non-Hindu student of this much discussed social problem to form some idea of the gross exaggeration in which Mr. Malabari appears clearly to have indulged. The real extent of the evil is much too limited to deserve so much waste of energy and time. It must not, however, be understood that I advocate the system of enforced widowhood, even though it is very limited in its operation, or that I would gladly see its perpetuation in respect of the section or sections of the Hindu community among whom it is now prevalent. Individually I desire to see complete equality between the two sexes; that is to say, if a widow of 40 chooses to remarry, I see no reason why she should be prevented from doing so, when a widower of over 50 can with impunity do so. But this consummation is a work of time, and no law can, as it were, create such a state of things to order. Legislation is impotent for this end, so long as the community concerned is not prepared to move in the desired direction from within. Act XV. of 1856 is a standing proof of it for the edification of such as are mentally capable of profiting by experience. It is now thirty years since that Act was passed. And during this period of one whole generation can it be said to have effected any good except that in a technical sense it has removed all civil disabilities attaching to such marriages? Has any portion of the sanguine anticipations of the authors and promoters of that Act been realized during the last thirty years? Is it not practically a dead letter? The answer to these questions is not difficult to seek. And unless cautious advance is made by the leaders of the community, no real progress need be expected. These considerations of prudence and caution serve accordingly to reduce the proportions of the evil still further.

I have said above that the total number of Hindu females of all ages in this Presidency, whom this system of enforced widowhood affects, is 315,703. The Bombay report does not tell us how many of these are widows. But I shall apply some other test, and find out the approximate number. The Baroda report gives some interesting figures from which an average

test can be found to suit the general purpose of my inquiry. Among the Brahmins there are several sub-divisions or tribes, who, though they have very much in common with one another, still have in some respects special usages of their own. For the purposes of my calculation I selected four of these sub-divisions, *viz.*, Kokanastha, Deshastha, Karadha, and Yajurvedi Brahmins, and I found the following statistical information regarding them :—

Name of the Sub-division.	Total Population of all ages and both sexes.	Total number of widows of all ages.	Percentage of widows of all ages to total Population.	Total number of widows under 15.	Percentage of widows under 15 to total widows.
Kokanastha . .	3,781	436	11½	7	1½
Deshastha . .	8,251	1,047	12½	13	1¼
Karadha . . .	1,004	113	11¼	0	"
Yajurvedi .	1,263	176	13¾	2	1⅐
Total .	14,299	1,772	12⅓	22	1¼

If the test furnished by the foregoing statement be applied to the figures furnished by the Bombay report, we obtain the following results—that out of the total Brahmin and semi-Brahmin population of all ages in this Presidency 80,170 are widows of all ages, and that of this latter 1,002 are widows under 15 years. It must be remembered that these figures have been arrived at by a rough calculation, and that accordingly they are only approximate. And even if the actual number exceeds, as it possibly may, I think, we may safely admit that it will not be much larger than the approximate number given above. I may here add that the percentage given in the fourth column of the foregoing tabular statement is higher by over 33 per cent. than the corresponding percentage for the entire Hindu community. The total number of widows of all ages of the Hindu community throughout British India is 16,117,135, while the total population is 187,937,450, and thus the percentage of widows on the total population is 9, while the corresponding Brahmin percentage is 12½. This higher percentage can only be accounted for by the strict observance among them of the system of enforced widowhood. We have thus a guarantee that the calculations made above are approximately correct. And it is in respect of this small number that a practical reformer is chiefly concerned, though I am free to confess that on theoretical grounds there is certainly no reason why every widow, be she virgin or full married, should not have the freedom of action vouchsafed to her. But it is simple madness to expect that, unless a reformer is content with small beginnings, a system, which, this particular section of the community has been accustomed to for centuries and ages past, can be thoroughly revolutionized within the course of a generation or even two and three generations. It will never do to proceed about this work of reform in a manner which is calculated to do too much violence to the prevailing sentiment, and which, if adopted, must in the long run prove more harmful than beneficial to the cause. The leaders in this reform, if they want to succeed, must carry the people with them by cautious and prudent, though slow, progress winning them over by "argument and *example*," especially the latter, and then trust to time and the progress of education. These cases are also sure to diminish in number as the minimum limit of marriageable age for girls is raised.

The foregoing observations bring me to that stage of the discussion where without any impropriety I may examine the progress of the widow marriage movement in this Presidency. I believe I am expressing the almost unanimous sense of all those to whom this movement has an absorbing interest when I say that it is altogether a discredited movement; and if the movement has not met with a better fate, I must lay the blame at the doors of its leaders. If at the commencement the pioneers in this reform had contented themselves with promoting only such marriages as their sympathisers at any rate could have completely approved of, and the others at any rate sympathised with in their sober moments, it is possible that some real and substantial progress would have been made by this time. Instead of chalking out such a prudent and cautious course and following it, they forthwith proceeded to promote all kinds of objectionable marriages which served only to alienate the sympathy of the best and most sincere well-wishers of the cause. They attempted to crowd several reforms into one. An enumeration of some of the reforms which they have endeavoured to crowd into one will, I am inclined to think, prove quite startling. Widow marriage; marriage between Brahmins and

non-Brahmins, as well as between two sub-divisions of the Brahmin community among whom intermarriages do not take place; marriage celebration in what is popularly regarded as an unpropitious season for such auspicious ceremonies; absolute abolition of all the religious ceremonies as held sacred by orthodox faith on the occasion of marriage; these are some of the reforms which the pioneers of the widow marriage movement in this Presidency have endeavoured to effect at one and the same blow. And the result of all such proceedings is that the sympathies of many have been alienated. It will be several years before the confidence, which they have thus forfeited by their entire absence of discretion, is again restored, and before the cause recovers from the blow it has received not from without but from within. Such an unfortunate error on the part of the pioneers in that reform is the principal cause of the great revulsion of feeling to which Mr. Malabari refers in his Note, so far at least as this Presidency is concerned. But I must not be understood to mean that if these gentlemen had acted otherwise, any very great progress in real and substantial reform would have been perceptible by this time. All I say is,—and such a consummation I deprecate most sincerely in the very interests of the reform itself,—that many a hearty and warm sympathiser of the reform has been alienated. This result represents so much loss of power, at any rate of sympathy, and we are not in a position to look with perfect unconcern and indifference upon such a sad result; because at this time we require all the material and moral support not only of active, but even of passive, sympathisers. I would certainly thank Mr. Malabari for raising the present discussion if as a result thereof a fresh departure is inaugurated by the leaders of this movement.

I have said above that even if the leaders of this reform had during the last sixteen or seventeen years contented themselves with promoting only such marriages as would have challenged general approval—I mean of titular or virgin widows only—any very great progress in the desired direction would not have been perceptible by this time. And this is not to be wondered at. This question is deeply associated with the religious sentiment, or, if you will call it prejudice, of the community, and no one need be surprised if that community is hard to move. There is not a single nationality or a single community in this world which has not some prejudices, religious or social, peculiar to itself, and which does not stubbornly cling to those prejudices. Even a go-ahead nationality, like the English people, is not free from such prejudices. And for the edification of those, who may be inclined to speak of the Brahmin community in a derisive tone because of its resistance in this particular direction, I am tempted to refer here very prominently to an analogous case fully illustrating the accuracy of my foregoing observation. According to the English law, both civil and religious, a marriage with a deceased wife's sister is illegal. And though an advanced body of social and religious reformers in the United Kingdom have been making a strong effort for the last thirty years and more to legalize such marriages,—and it is even stated that some members of the Royal family are strongly and actively in favour of the movement,—the religious sentiment against legalizing such marriages is so strong that the effort of the minority has been hitherto altogether unavailing. But this is not all. If the history of this movement be closely examined, it will be found to be full of some very instructive lessons, which Mr. Malabari and others similarly disposed will do well to lay to their heart. I shall refer here to only one of such lessons. British colonies have legislatures of their own, not like our ornamental Legislative Councils but real representative institutions. Some of these colonial legislatures repeatedly passed bills for legalizing such marriages, and these bills have been as repeatedly vetoed by the Crown. And why? Not because they were opposed to the dominant local sentiment of the colony concerned, but because such legislation was "inconsistent with British law"!!! So the people in the United Kingdom, like those Brahmin law-givers who are alleged to have made it "their sport to tyrannize over the conduct and consciences of others," have forced their will upon others and compelled them to stick to a superstition which they repudiated. The degree and extent of tyranny involved in this repeated refusal of the Crown to give its assent to such colonial bills may be formed some idea of from the fact that such marriages are valid in almost all parts of Christendom except the British dominions. It is evident then that the argument against such legislation from the religious point of view must be very weak indeed. We are moreover told that it is the poorer classes who are chiefly interested in such marriages being legalized. And yet all these considerations have proved unavailing to the British reformer. What is the moral to be derived from this struggle? I hope Mr. Malabari, whose sympathies for the oppessed and weak are inexhaustible, will next turn his attention to this subject and endeavour to accomplish that which men like Mr. Bright and Mr. Gladstone have after an arduous fight failed to accomplish. Again some of the arguments advanced against such legislation are also instructive; for we are told that "restrictions upon

marriage were not a mark of a despotic period, but rather of a state of civilization and refinement; and to remove the restrictions that had been thought necessary for ages would be a step backwards into barbarism." Now if a similar argument is advanced by an orthodox Brahmin agains the remarriage of widows, what will Mr. Malabari say? This English sentiment seems to us, Hindus, to be extremely absurd and ridiculous, just in the same way, as I dare say, the Hindu sentiment about the remarriage of widows appears to an Englishman. But in both cases it is an honest sentiment, and as such challenges respect. But suppose that we had the power of legislating for the United Kingdom, which I dare say is a bold figure of speech, and suppose that being led by our own notions of right and wrong, and also by the representations of the local intelligent minority, we legalized such marriages just in the same way as Act XV. of 1856 has legalized widow marriages in this country. But so long as the English sentiment remained as strong as ever, can such legislation, I ask, do any good? And can it serve any useful purpose, I further ask, for any outsider to denounce those Englishmen, who honestly cling to that sentiment, in the way that Mr. Malabari has denounced the Hindus in his Note on the subject of Enforced Widowhood?

Before bringing these observations to a close I must again very strongly protest against the utterly unfounded and false insinuations contained in the second and eleventh paragraphs of the Note under notice. What would English gentlemen have thought if certain articles which appeared some months since in the *Poona Vaibhava*, a local Marathi weekly, and which contained a foul libel upon English women as a class, had been most innocently circulated among them for a responsible expression of their opinion upon their social manners and customs as described in those articles? My own feelings ever since I perused this Note have been quite akin to the feeling which I know from personal knowledge to have been caused among some of my English friends by the perusal of the articles mentioned above. I know that neither Mr. Malabari nor the Government who undertook to circulate his Notes among Hindu gentlemen for the responsible expression of their opinion had the remotest idea of insulting the feelings of the community. But the result has none the less been the same. In short those insinuations are a gratuitous and unmitigated libel upon the whole Hindu community, and, as a gentleman, Mr. Malabari must withdraw them unreservedly and express his regret for having circulated such a libel, and that too under the auspices of Government. I am sure that, if Government had been fully aware of this circumstance, they would never have consented to become the medium of giving wider publicity to such a libel.

It is not necessary to particularly notice the four suggestions of Mr. Malabari which he has put forth for remedying the existing state of things. It is an irresponsible writer who alone can have the boldness to put forth a proposal, like that contained in Mr. Malabari's second suggestion,—the legalized visits of officials to every widow with a view to ascertain if in her case the widowhood is voluntary or compulsory,—which if acted upon will create in this country an institution, compared with the horrors of which those of the Spanish institution of the Holy Inquisition will appear to be a farce,—an institution quite unknown in this country, and the mere contemplation of which brings an involuntary shudder to the thinking and responsible heart.

There is also another aspect of this question which must not be lost sight of, and which concerns some populous provinces of India. Dr. Rajendralal Mitra, C.I.E., and the *Hindu Patriot* of Calcutta have already noticed it in a very effective manner. In Bengal, for instance, the number of Hindu females largely exceed the number of Hindu males, the result of which is that even if every man were married, there would still remain, and does remain an appreciably large number of females who can have no chance of marriage, unless the Legislature was moved by some philanthropic gentleman to pass a law compelling some men, at the discretion of some local authorities, to take to themselves more than one wife, and thereby most effectually removing all chance of immorality; while in the case of some other provinces like Bombay, a law of exactly the opposite character would be required!!! It will be thus seen that in the case of an appreciably large number of persons of both the sexes enforced celibacy is the virtual result, a circumstance which on theoretical grounds at any rate must be considered to be dangerous in the interests of morality. And the practical remedy against the evil, if it be once conceded to be an evil, is nothing short of legalizing polygamy and polyandry!!! And the fate of Brahmin and semi-Brahmin widows is certainly not worse, nor are the moral consequences from their legally enforced celibacy greater than those of naturally enforced celibacy upon an appreciably large number of both the sexes. The truth thus appears to be that the subject of the remarriage of widows among certain sections of the Hindu community derives its importance from the fact of its being legally *enforced*, especially in the case of virgins who may have been unfortunate enough to have lost their husbands; though if the prohibition were effectually removed to-morrow, it is at the best extremely problematical whether or not such a

removal of the prohibition will much improve matters. I freely admit that the fullest individual liberty in all such matters is desirable, but I cannot help observing that, except in the case of virgin widows, the whole subject appears to be analogous to the old story of "the forbidden fruit."

In conclusion I shall briefly summarize the results of the foregoing inquiry under two heads, namely, Infant Marriage and Enforced Widowhood :—

I. Infant Marriage :—

(*a*) That Infant Marriages are not so widely prevalent in any part of India as to necessitate legislative interference.

(*b*) That as a general rule Hindu girls are married between 10—12, though in some cases they are married later on, which period, if due allowance is made for climatic considerations, is not lower than the minimum marriageable age prescribed by the English law; and that this is also true of Hindu boys, who are generally not married before 15.

(*c*) That *boná fide* Infant Marriages are yearly becoming less and less frequent, as the people are becoming yearly more alive to the evils of the system.

(*d*) That adult marriages are not an unmixed good, inasmuch as they lead to evils peculiar to themselves.

(*e*) That cases of unequal matches are as common or as rare among the Hindus as among other nationalities in or out of India.

(*f*) That individually I have no objection to the Universities making celibacy an indispensable condition in the candidates appearing for the Matriculation Examination, though I support the suggestion on educational grounds purely and not as having any bearing upon the vast mass of people who can never be affected by any University regulations.

II. Enforced Widowhood :—

(*a*) That the system of Enforced Widowhood is solely confined to the Brahmin and semi-Brahmin classes of the Hindu community who, numerically speaking, form a very insignificant portion of the whole Hindu community.

(*b*) That among the lower classes who constitute the great majority of the Hindu community even divorce and subsequent remarriage, to say nothing of the remarriage of widows, are by no means uncommon.

(*c*) That even among those communities, among whom no disabilities, social, religious or civil, attach to the remarriage of widows, there is an appreciably large number of widows who do not as a matter of fact remarry, for the obvious reason that such marriages are as a general rule discouraged among all nationalities because of the real or fancied moral and social inferiority involved.

(*d*) That notwithstanding the admitted hardship of the system of Enforced Widowhood, especially in the case of virgin widows, and notwithstanding the glaring one-sidedness of the religious law, because while a widower of advanced age can with impunity remarry, the same freedom is denied to even a virgin widow, the sentiment against such marriages is an honest prejudice which time and the humanizing influence of education alone can gradually weaken.

(*e*) That the number of such extremely hard cases is very small, and will gradually decrease still further as the minimum marriageable age is raised.

(*f*) That legislation is impotent to grant any relief in this matter, so long as the popular sentiment remains unchanged, as is evident from the fact that Act XV. of 1856 is virtually a dead letter.

(*g*) That the description as to the immoral consequences resulting from the system of Enforced Widowhood is so grossly exaggerated that it cannot be too strongly denounced.

From Mr. NARMADÁSHANKAR LÁLSHANKAR, to J. MONTEATH, Esq., C.S., Under-Secretary to the Government of Bombay, General Department,—dated Bombay, the 20th February 1885.

With reference to your letter No. 4164, dated 13th November 1884, with accompaniments, I feel very thankful to His Excellency for asking my opinion on a question of such importance, and humbly beg to offer the same with respect and diffidence.

2. The subjects of early marriage and remarriage of widows first came under discussion so early as 1835, and then again about 1856, from which eventful year they have, from time to time, at short intervals, attracted public attention to this day. The persons principally concerned in raising and maintaining this agitation are the so-called reformers of the Hindu

society. They are, generally speaking, well read in Western literature and philosophy, and as such, entitled to respect for their well-meant labours, occupying the position of the leaders of the society in political matters, but unfortunately being materially deficient in, and often lamentably ignorant of, the principles and philosophy of their ancestors, their views, in religious and social matters, carry no weight with the majority—nay, are positively condemned in theory and never followed in practice. They are regarded as acting under the impulses created by an excessive admiration of the Western mode of life, and without any regard to long-continued habits of the people, their adopted doctrines and the philosophy as propounded by the old shastras. Thus it comes to be that their advice on such matters should be received with very great caution and circumspection.

3. The so-called social evils of early marriage and perpetual widowhood are really none such from the old point of view which is taken by the large majority of the Hindus. The anciently-inherited custom of worshipping the manes of the deceased ancestors has very largely developed the idea of "sapindya," or the connection arising from inheriting the corporeal particles of one body which is necessarily that of the highest ancestor. Now a woman by marriage enters the sapindya of her husband, and once in cannot, under any known doctrine of Hindu religion, get out of it. Again, marriage is a "sanskâra," or a religious ceremony necessary to the purification of her body, and is carried out in the shape of a gift of her by her father to the husband, and as the subject of the gift must be pure, she must be given before puberty. At this point, suppose by the death of the husband worldly misery is her lot, the doctrine of fatalism, which is only an article of speculative faith in the West, but is a practical principle acted upon daily in India, comes in and explains her misfortunes as the result of the evil acts of a previous life, and therefore to be patiently borne. The doctrine of the transmigration of souls, which is the first and all-accepted tenet of the Vedic religion, tends also the same way and acts powerfully to induce the sufferer to renewed acts of piety and purity, to be rewarded in the next birth, with worldly happiness and ease.

4. These three doctrines of sapindya, fatalism, and transmigration of souls, acting and reacting on each other, make every average Hindu, whether a male or a female, contented and reconciled to his lot, whether it be high or low, happy or miserable, and surely that ceases to be an evil, which is willingly accepted, patiently suffered, and readily submitted to through a high sense of duty and religious good.

5. The so-called reformers do not, through unhappy ignorance, take account of all this, and therefore utterly fail to touch the heart of the people. Their tall talk and hasty proposals are tolerated as the ravings of an over-heated imagination, and allowed to pass uncontradicted because fruitful of no further consequences, and wasteful of their own energies only. Resistance of a very strong character however springs up when any of these new ideas are translated into practice, and this explains why the so-called reformers themselves cannot move in any other but the well-prepared common groove.

6. Whether the old or the modern view is correct is, and always will be, a matter of opinion, but there can be no dispute as to the fact that the large majority of the Hindus take it, and though the zealous reformer can afford to ignore this important circumstance, the cautious legislator must recognize it and shape his laws accordingly. If the masses are opposed to a change, not to introduce it by the strong arm of law would obviously appear to be the better policy. If it be said that the masses are incapable of forming a correct opinion, there are two, and, I believe only two, ways of making the change—one is to employ force and thus crush opposition, and the other is to educate and prove to them the imperative necessity of the reform, and this second mode commends itself so much to me as the only good one that I have no hesitation in pronouncing it the best, both as constitutional and suited to the generous sentiments of modern civilization.

7. Looking at the matter from a purely social point of view, the same conclusion of non-interference, except through the wholesome medium of education, will be forced upon us. In countries where the much hated institutions of early marriage and life-long widowhood have been unknown from times immemorial, there is to be found, as in England, a very large number of females compelled by the circumstances of life to remain unmarried, and the maiden aunt there is not in a better position than a widow is here. If such a census was possible, probably it would be found that the number of these old maids in the United Kingdom corresponds very nearly to that of the widows here. So then by forcibly changing the popularly cherished rules of society, we should be—not to mention its own evils—assisting in evolving an order of things in which old maids will take the place of the present widows, with perhaps the additional inconvenience of having no sympathy for their worldly miseries. On the other hand, if we let these matters alone now, education would gradually but surely open the eyes of the people, and lead them to adopt a compromise between

the venerable old and the dazzling new customs which will be both more consonant with the ideas, habits, and traditions of the people, because brought about by themselves, and more permanent, because of its being based on popular convictions.

8. Suppose we change the point of view and wish to decide the question on general principles. Here is a small minority, admitted, for the sake of argument, to be very intelligent, applying to the Government for a law which is to affect the convictions and conduct of a very large majority, which for simplifying matters we shall suppose to be only half-enlightened. Is it proper and advisable that the Government should lend its aid to the minority? It may be urged that the latter are acting for what they allege to be the good of the masses, and deserve to be assisted; but it may be contended with equal force on the other side that the masses (which form the majority) have strong opinions of their own, and are resisting the change from motives which they think and really believe to be for the good of the whole. How is the Government to act? To side with the minority would be to help them to tyrannize over the majority. Further, whether the adoption of the views of the former will ultimately lead to beneficial results is a question of such complexity, depending on an accurate forecast of the unknown future, that no answer, affirmative or otherwise, can be given to be safe. In this perplexity would it not be better to hold aloof and let the opposing camps fight out the matter among themselves and be content to be guided by the result? If so, the case for non-interference is made out. Add to this that the question has a bearing on religion, with which England has solemnly promised never to interfere.

9. Legislation, therefore, in the direction now advocated is, in my humble opinion, wrong in principle, unnecessary, and inexpedient from general considerations of society, and to be avoided as probably mischievous in its consequences, regard being had to the strong attachment of the Hindus to their religion, customs, and habits.

From Mr. K. T. Telang, to the Under-Secretary to the Government of Bombay, General Department,—dated Bombay, the 21st February 1885.

I have the honour to acknowledge receipt of your letter dated the 28th of January last, and also of the letter dated the 13th of November 1884, referred to in it. I have to apologize to His Excellency the Governor in Council for the delay which has occurred in replying to the inquiry made of me in those letters. That delay, however, was occasioned by the circumstance that I wished, if I could get an opportunity of doing so, to supplement what I had said in the letter which appeared under my signature in the *Times of India*. But I find that I must abandon that wish, at least for the present, in consequence of the pressure of other work of an urgent and important nature. I must, therefore, content myself with stating that I adhere to the opinions expressed in the letter published in the *Times of India*; I have considered all the literature of the subject that I have come across since my original letter was written, but I have not seen any reason to alter any of the opinions I then expressed.

From Mr. Ganpatram G. Sastri, to the Under-Secretary to the Government of Bombay, General Department,—dated Kaswa, the 22nd February 1885.

I have the honour to submit my opinion on Mr. Malabari's paper as desired in your No. 4164 of the 13th November 1884.

Infant Marriage.

I have thought over Mr. Malabari's proposals, and I am inclined to consider them to be more or less one-sided. As a natural consequence, he is frequently inconsistent. While at one place he admits that parental control is necessary and mostly beneficial in marriage affairs, at the other he complains of absence of choice (lines 8 and 9, page 1 of the note on infant marriage). Again he says (lines 10 and 11, page 1; and 16 and 17, and 18, page 2) that it is due to the caste system that the people are obliged to make an unsuitable selection; yet he does not seem to recommend its abolition. But if the castes were one of the real, universal, and most powerful causes of the infant marriages, how with its existence is it possible to do away with the latter institution; and, if not, why should not efforts be made to strike at the root and to get rid of the former for ever so that Mr. Malabari's proposals can be easily carried out. He does not, however, seem to recommend this, and still proposes abolition of the infant marriage. But, without proposing to strike at the fountain-head of causes from which the system of infant marriages proceeds, it would seem to be inconsistent, if not more, to hope of extincion of the latter. Besides, he groans over the infant marriage as a source of over population (line 3, page 2); yet he does not hesitate to recommend the adoption of the system of widow remarriages—a means that is likely to accelerate over-population of the country. I am induced to

make these remarks not with a view to criticise Mr. Malabari's proposals which are full of sympathy towards my co-religionists for which I feel thankful to him, but with the object of bringing to the notice of His Excellency the fact the paper is inconsistent, because it is a work of enthusiasm, and the picture drawn by him of the worst miseries derived from the infant marriage and widowhood is exaggerated and inaccurate, and deserves a most serious consideration before acceptance even in a modified form.

No one will be more glad than myself to see the institution of early marriages abolished. It is neither sanctioned by the Shastras, as some would have the world believe, nor desired by the educated Hindus. On the contrary, I am of opinion that it is an infringement of the dispensations of the Shastras to marry or betroth children so soon as the people are now in the habit of doing, and I consider it an infringement of the physical laws to saddle the rising generation with the burden of children while they are yet in their "teens." For these reasons I should be very glad to see efforts being made to get rid of the institution whenever it exists on some such principle as this, that no person either male or female who is below 11 years of age should marry, and the difference between the ages of the husband and the wife should be of at least six years, the former being older than the latter. The rate of mortality being less among children and adults above 10, such a system as above suggested, if adopted, will help to lessen the number of widows and to do away with the system of early marriages.

I regret I am not one of those who agree with Mr. Malabari in asking Government to put an indirect legal ban upon it. His proposal in paragraphs 4, 5, and 6 are no less than legal bans to be indirectly but more strictly exercised. But I think there is a good deal of truth and wisdom in his proposal, that the Educational Department may give a few chapters in its school books describing the evil in its various forms, and that "the executive can do a great deal toward the mitigation of the social martyrdom without invoking the aid of the legislature" through friendly sympathy and a gentle moral pressure in rare cases. This, aided by the educated public opinion of the higher classes, will have, in course of time, a strong effect on the habit which the people have formed of celebrating early marriages. As civilization has the tendency of filtration downwards, there can be no doubt that the improvement among the higher classes will have its effect downwards among the lower castes, particularly as it will be aided by the friendly sympathy and judicious advice of Government officials, the big Shettrias and other leading people.

This sympathy can be extended in various ways and according to the circumstances of its demand. But I believe it will not be out of place if I were to suggest one, that strength be given to the large or small funds which almost all castes possess and a method be suggested to the people of utilizing the interest occurring therefrom in a manner conducive to the fulfilment of this object. For instance, the interest might be employed towards giving, in cases of the poor people, help in the shape of a scholarship for the education of their children whether boys or girls, and in those of the well-to-do a dress of honour for the public spirit which they showed in disregarding the usual custom of early marriages and in marrying their children at a proper age and with a desirable deference beween the ages of brides and bridegrooms. With a view to carry out the object a number of committees, composed of respectable and influential persons of a town or village, be formed headed, where available, by a Government officer of high position and possessed of sympathy with the people and their cause. These committees along with the caste people can arrange to give the scholarships or the dress of honour to the parties concerned in a meeting specially convened for the purpose, or at the time of the celebration of the marriage.

It will be asked whether it is possible to collect or strengthen the caste funds? I would answer yes, especially as such a practice, to my knowledge, exists in certain castes already, and for other similar purposes. Let each man contribute to the fund a rupee each at the time of marriage or death or other ceremonies at his place, and it will soon be established or strengthened. A rupee will not be felt a heavy tax when people spend a large amount of money on such occasions considering their pecuniary condition. This plan may not suit exactly all castes or people, but it can be adopted in most cases with some modifications.

To sum up, it would appear that I advocate the abolition of the infant marriages which has its bases upon fashion and not upon the sacred Shastras, through friendly sympathy of Government officials and the influence of the educated public opinion. But I do not think it proper to place a legal law for a rule—bar to the prospect of the rising generation.

It is purely a social question, and the over-population has not been so great as to result into a political evil. Government, therefore, need not interfere in the matter with the cudgels of laws and rules. If all Government servants and University students, &c., were to be unmarried persons, a condition which the admission of Mr. Malabari's proposals involve, the

public and the public service will lose the benefits of the intelligence of really brilliant but married individuals in India. It will simply retard educational and intellectual progress of the country, and will tend to the degeneration by degrees of persons and families, and the whole people in the end. It will affect in course of time the morality of Government servants, and thereby the tone of the public service and the interest of Government itself.

Enforced Widowhood.

Some say that this institution is sanctioned by the Shastras, while others deny it altogether. There can, however, be no doubt that it is not sanctioned by the practice among the higher castes from time immemorial up to now. It seems, therefore, a myth or interpolation, or personal opinion of some Rishis or sages not accepted by the whole people of the past or present generations.

Those who enjoy the institution of the widow remarriage cannot have naturally an idea of the advantages which its non-existence gives. They, therefore, lack the completeness of knowledge necessary for forming correct opinions upon the subject. Mr. Malabari, being one of this class, necessarily falls into an error arising out of insufficiency of knowledge and advocates against his own views the means of accelerating over-population in India. The Hindus see the working of the institution in the lower castes; whereas they are not unconscious of the abhorrence which its very name produces in the upper castes. They, therefore, are in a better position to understand the intricacies of the subject. The very fact that the higher castes, among whom widow remarriages are not permitted, are in a superior, moral, intellectual, and economical condition, as compared with the lower castes, goes a good deal to prove that its non-existence is neither a source of vice, nor otherwise a great evil as depicted. Moreover, the collective and creative wisdom of the whole human race in India from ancient time up to now is not unanimous on the point, but is more in favour of its non-existence—a circumstance which goes much against the idea of making efforts for its universal adoption.

It is said, and not without reason, that Government abolished the Suttee system with praiseworthy motives. But this action, though good in itself, has had an injurious effect on the matter under consideration. Firstly, it contributes largely to widowhood which otherwise notions of self-martyrdom and a lofty sense of honour of the Suttees used to curtail; secondly, it takes away from the sight of Hindu women a most brilliant and powerful example intended to impress on their callow mind the elevated notions of pure and undivided love, of the noble sacrifice which a female was capable of making in connection with the object of her sanctioned love; and lastly, though not the least, of the divine virtue of a wife to live and die for her husband and him alone. The result has been the aggravation both in point of quality and quantity of the misfortunes of the widowhood. It every year adds a larger number to the existing widows and deprives both widows and wives, as well as spinsters of a congenial and salutary guide which formed their morals and cultivated their virtues and strengthened their quiet and noble qualifications. Thus it is not unlikely that interference on the part of the State in this matter might create unforeseen difficulties in other directions which may tend, as in the case of the abolition of the Suttee system, to aggravate some evils undreamt of at present—an accident, the existence of which Government would deplore and the people would abhor. It is purely a social question, and the movement in this on the part of Government is liable to produce factitious and undesirable results.

The Hindu widows perform now the functions of an European nun, as well as of a married lady. She watches over the formation of moral and religious development of the rising generation, over the cleanliness of the house, over the orderly arrangement of the furniture, &c., and over the physical improvement of the members of the family among whom her lot is cast. She has been the means of impressing on the young and, in some cases, old people by her living example those lessons of morality and patience of economy and self-sacrifice which form the character of the rising generation—an acquisition that serves to smoothen their path of life and to facilitate solution of the thousand and one difficulties they meet with in the struggles of the world. A person so useful and exercising such an influence, and suffering from a misfortune which no human ingenuity can avert, will naturally be looked upon as a "guiding angel," a most deserving object of sympathy rather than an object of oppression as Mr. Malabari would have the world believe. It is true that each and all widows are not to be taken for guiding angels, but one can sincerely affirm that they are always and universally recognized as an object of the greatest sympathy and not of oppression. It is also true that there are to be found here and there among them persons of questionable moral character who transgress the path of virtue devised for them by the Shastras and society, and who by their detestable example now and then convulse the peace of society and give food

to the so-called reformers to vent their rage arising out of failures in misdirected and misguided attempts on the devoted heads of the caste and the priesthood, or in other words the orthodox Hindus. But the number of such females is infinitesimally small, and the cry of those who frequently speak and write with imperfect knowledge on the subject, with a hope of earning a cheap reputation as reformers, is simply an exaggeration, if not an unintentional blasphemy to the Hindu society.

Mr. Malabari wants to restore to widows what he calls their birth-rights and to give her back the exercise of free will as if these have been taken away. But who has taken them away and how, he does not state. In my humble opinion she enjoys in the Hindu society all freedom and rights which nature has given her to enjoy. She is a guiding genius of her household, and as such, she stands above all the members of her family except parents and older brothers or fathers and mothers-in-law. Enjoying such a position, how is it possible and just to say that her freedom is taken away. The patient and single life which she leads is the result of a system based upon philosophical resignation, upon moral discipline which the humanity in India has undergone through thousands of generations, and upon the national instincts created and kept up by traditions, precedents, and usages coming down from ancient times. The very idea that people would try to take away the freedom of their nearest relations is ridiculous, and that in the case of those who deserve and command their utmost sympathy is, to say the least of it, unnatural and, therefore, impossible. Outsiders do not know that the respectable life which the majority of the widows lead is purely voluntary, and the remotest prospect of even a slight departure from it is revolting to their notions and instincts, except in rare cases, in which widows have degenerated through evil associations and the misleading advice of the so-called reformers. But if by the exercise of free will Mr. Malabari means that a woman should be allowed to act as she pleases whether in a right or wrong direction, I must confess my inability to agree with him. Society, whether eastern or western, Indian or non-Indian, is based upon philosophical restrictions intended to allow freedom compatible with its existence, development, and vigour; in short, its interest in all directions. If the higher caste Hindu society has thought fit to put this restriction on its sisters and mothers, it is certainly not intended to oppress them, which the prohibition of the exercise of their free will would imply; but to raise their lives to a lofty pitch of moral training and human refinement based upon mental resignation which alone is the true source of happiness according to oriental notions,—a refinement that contributes so much to the attainment of morality and tends to check over-population without those severe chastisements, such as epidemics and warfare and other artificial means like migrations which providence is obliged to inflict and society is compelled to devise for those communities or countries which enjoy his beneficences without reason and forethought.

Being of this opinion I am unable to advise Government to interfere in any way in this matter. Nor am I inclined to endorse any of Mr. Malabari's proposals, which seem to me to have been based upon insufficient information, misdirected enthusiasm, and an indifferent consideration of the functions of Government. Moreover, I fear that the adoption of these proposals would create social revolution in the peaceful relations of the present Hindu society and might perhaps create distrust in Government and spread discontent among the people.

From Mr. Raghunath Narayen Khote, to the Under-Secretary to the Government of Bombay,—dated Bombay, the 23rd February 1885.

I have the honour of acknowledging the receipt of your letters No. 4164 of 1884, dated 13th November 1884, forwarding for my opinion copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari, and No. 296 of 1885, dated 28th January 1885, calling for an early reply.

1. Before proceeding to state my views on the important questions embodied in Mr. Malabari's paper, which His Excellency the Governor in Council has been pleased to forward to me, I would beg to be allowed to explain that the delay, which has unfortunately occurred in the submission of those views, has been due to a heavy domestic calamity which had befallen me only a few weeks before His Excellency's reference, and which left me in a frame of mind quite unequal to all the calls of business for some time. I hope, therefore, that His Excellency will accept this as a sufficient apology for the delay.

2. I am rejoiced to note that attention has been called to the subject of infant marriages, and that the discussion in the newspapers of the country of a question of such great importance, and so widely and variously affecting the people of India, has been followed up by Government interesting themselves in it and shewing commendable anxiety to ascertain

native feeling and opinion on the subject. The discussion commenced in about September last, and in one shape or another prominent reference is still made to the questions mooted by Mr. Malabari either in the columns of newspapers or in Hindu families. These public discussions having extended over several months can scarcely leave any suspicion in the public mind that Government intend any interference with the people's quasi-religious practices from any but the most laudable motives. Any action on the part of Government, undertaken with a view to put down the practice of infant marriages, is, therefore, not likely to meet with much opposition or disfavour, at all events, so long as such action is *indirect* in its character. I am strongly of opinion that it would be highly impolitic to resort to anything like an Act of the Legislature, putting a bar on infant marriage. That would be introducing a very objectionable principle into the laws of the country and one which is liable to be seriously misconstrued, and I am glad to observe from Mr. Malabari's notes on infant marriage that, strongly as he feels on the subject, he is loth to recommend any such proposal to Government. The question, therefore, is how far his other proposals are practicable and sound, and of these the first that deserves notice is that "the educational authorities ought to rule, due notice being given, that no married student shall be eligible to go up for University examinations, say five years hence." There are several considerations that induce me to approve of this suggestion. In the *first* place the attempt which may be made to put down infant marriages by carrying out a suggestion like this will be *indirect*. The masses will have hardly any reason to look upon it as a direct interference with their customs. In the *second* place it will affect those classes principally that go in for higher education, and these classes are quite capable of perceiving the true motives inducing the authorities to act upon such a suggestion. The action of Government will therefore be open to no misconstruction or suspicion. In the *third* place by reaching principally the higher and better educated classes, such an attempt to put down infant marriages will mitigate the evil among the very classes among whom it is most desirable that such an evil should not exist. The educated men are now occupying the leading position in the country, and its future in fact depends upon their physical and mental vigour. It is essential that they should be free from any evil which subjects them to physical deterioration. But it is said against the suggestion in question made by Mr. Malabari that, if carried out, it will turn our Universities into something like an institution having a proselytizing tendency, and may have the effect of discouraging higher education. To this, however, I am not inclined to assent. I think that a University would be justified in laying down a rule that the young men seeking admission within its doors should fulfil certain conditions. One of these conditions, a manifestly judicious and wholesome one, would be that which was induced by no other consideration than that the students, desiring to attain the fruits of higher education, should be free from evils calculated either to tell upon their physical health, or to throw obstacles in the way of their studies. A student ought to be exclusively a student. He should be free from the trammels of family-life and its cares. The Universities are interested in seeing that they give the country men *qualified* to lead and enlighten the public. To produce such men these bodies must be in a position to exercise the power of excluding such men as may not be able to study without embarrassments. As to the other part of the objection, that, if the suggestion of Mr. Malabari be carried out, it may discourage higher education, I for one entertain no such fear, for it seems to me that in point of higher education we have reached a stage where it has taken deep root, and no such measure, as is proposed, is likely to make it unpopular or check its progress. Since higher education is already in many cases a passport to distinction, and promises to be so in future to even a still greater extent, no fear of any prejudicial effect on it need be allowed to operate against the promulgation of the restriction upon marriage by the University. The suggestion, however, that no married student shall be eligible to go up for University examinations should not be brought into force all *at once*. As Mr. Malabari proposes, due notice should be given that it would be put into force after a certain number of years, say *five, or even ten*, as might be deemed expedient, and free from harshness. I go so far with Mr. Malabari, but no further.

3. His proposal that "the head of a Department may prefer the unmarried candidate to the married" is certainly objectionable for reasons most obvious. To my mind it seems that it is rather useful to employ a man married than a man unmarried in Government service. Not to say that the former is more in want of employment than the latter, he having to support a family. Married men are, I believe, more steady and free from temptations than the unmarried, and preference, therefore, should be given to them. Besides, it would be impolitic to make more than *one* attempt to put down infant marriages. It is always safer and wiser to proceed cautiously, and Government ought to try one measure in the first place, before committing themselves to several at once. I have, therefore, no hesitation in submitting to His Excellency in Council that Mr. Malabari's second proposal, *viz.*, that "the head of

a Department may prefer the unmarried to the married," is not sound, and that it would be highly unfortunate and detrimental to the interests of the public service if it were carried out.

4. As to the marriage of an infant girl with an old man, I do not see any objection to the proposal of Mr. Malabari that the evil could, to some extent, be indirectly checked by enacting a law "that the money received from the bridegroom, the price of the girl disposed of, is not to belong to the seller, the parent, or relative of the victim, but to be safely deposited in her name and for her exclusive use." Better still, perhaps, would it be to denounce as illegal these marriages by sale, for such marriages are no better than a vendition of the bride.

5. As to Mr. Malabari's note on "Enforced Widowhood," I am not disposed to recommend any further action on the part of Government. They have legalized widow marriages by Act XV. of 1856, and that is all they could do. Widespread education both among the males and females seems to me to be the most efficient remedy for the mitigation and ultimate removal of the evil here complained of. Under the Local Self-Government scheme, and the decision Government have arrived at on the Report of the Education Commission, primary education to the masses will have a fresher and wider impetus given to it; and the efforts of the people which are now being more pointedly directed to the education of the females, and the warm and influential moral support which His Excellency the Governor has afforded on every occasion, and more especially recently at Poona on the opening of the institution for imparting more extensive education to females, promise a bright future. Let us hope that the custom of enforced widowhood may in one generation succumb to the march of enlightenment induced by the education of females, especially of the higher classes of Natives, among whom alone it is considered that the remarriage of widows is prohibited by their religion. In my opinion the education of females on a larger scale will enable them to assert their rights, social as well as moral, in defiance of the unreasonable opposition that they may have to encounter. This spread of education, therefore, seems to me to be the only proper and powerful remedy for the evil of enforced widowhood now existing.

From Mr. RAO SAHEB VISHRAM RAMJI GHOLLAY, Assistant Surgeon, Poona, to the Under Secretary to Government of Bombay, General Department,—dated Poona, 23rd February 1885.

In reply to your letter No. 4164 of 13th November 1884, and its accompaniment, forwarded for my opinion, and your letter No. 296 of 28th January 1885, I have the honour to submit my opinion for the information of Government as follows:—

Infant marriages are scarcely if ever heard of amongst us, at least in the Deccan and Concan. Instances of infants having been betrothed are sometimes heard of here and there, but the marriage ceremony takes place after the infants have reached their proper ages. Child marriages are prevalent. Female children from 7 to 16 years old are commonly married. The girls of high caste Marathas called Maratha proper (चेभी अयवा राव) remain unmarried in very many instances till 20 or more years. The Brahmins are bound, so to speak, to get their girls married before they arrive at the age of puberty, that is about their 12th year; but some girls above that age are to be found unmarried amongst Brahmins also. The male Hindus, all castes included, are generally married at ages ranging from 12 to 30 or more years. The average ages at which boys and girls are married amongst us vary from 16 to 20 years in the case of the former, and from 10 to 12 in the case of the latter. The statement of Mr. Malabari that "Infant marriage is the cause of many of our social grievances, including enforced widowhood," is based upon a fallacious generalization. Infant marriage, as such, has become a matter of history. It is not even heard of in these days. Enforced widowhood is limited to the small community of Brahmins, Purbhus, &c. All the other castes are at full liberty to remarry, hence the deduction in the above statement that infant marriage is a cause of enforced widowhood is false.

The primary object of early marriages in India where the climatic influences bring on an early development of sexual proclivities is to get a girl married just about her minimum age for maturity, *viz.*, 12 years and a boy about the age of 17 or 18 years, so that they may not go astray, and that the male youths may be saved from the pernicious effects of masturbation, an evil which exists to a great extent amongst the boys of the higher castes. The primary object is greatly abused by the people of late owing to the peaceful times which they enjoy, and the custom has been allowed to preponderate more to one side than the other, hence it has become an admitted evil to some extent amongst us, but the people have now become quite sensible of its pernicious effects on our moral, physical, and social constitution by the dawn of the Western civilization, and education which has penetrated the innermost parts of our society. These two agents, *viz.*, education and civilization, are producing upon the minds of the

people a beneficial result. Though these agents are acting slowly, yet they are making a sure and certain progress, and in the course of a decade or two they will bear good fruits. Education has hitherto had a very partial effect on our soçiety, since it was until quite recently confined to males only, and its spread even amongst the males was also extremely limited. As limited as the education of the males has been, it has done a great deal of good both socially and morally, and tended to minimize many prejudices and superstitions in our society. The same good results can safely be anticipated from the spread of female education which under he fostering care of our Government has made a good start. The obstacles to any kind of reform amongst us arise chiefly from our women owing to their being uneducated, but now that the education has begun to permeate the female society, the obstacles to reform will melt away, and many superstitious customs, including child marriage, will disappear, though gradually, since any reform to be permanent must work slowly and not precipitately. These two agents, *viz.*, civilization and education, are quite potent to effect the desired change amongst our society with respect to the discontinuance of early marriage as well as of many other customs which retard the onward progress of our nation. The change will take place slowly; no State interference is necessary. Even as it is we see several instances in which this practice is discountenanced. Any enactment about this matter will, I am certain, prove abortive, for no enactment can effect the desired change more readily, more surely, and more permanently than these two agents are effecting for us.

The instances of old men marrying young girls are generally rare, but when and where they do occur, the moral, physical, and social punishment which such unequal marriages entail upon these old misguided and unreasonable men is more severe and salutary than any that legislation can devise. The distressed state consequent upon such unequal marriages has produced good deterrent effects upon our people as it has done in case of other peoples. The objectionable form of marriage in which the age of the girl exceeds that of the boy by 4 or 5 years and which is brought about by the father or elder brother of the boy with incestuous motives is unheard of in our community on this side of the country. No case of the kind has ever fallen under my observation. This statement is a most indecent insinuation. In spinning out a story for his cause, the writer has carried his vehemence to most unwarrantable and unjustifiable extremes. Under this head, I have to observe that our religious canons called Shastras do not allow a girl to be married to a boy younger than her even by a year.

The remedies which Mr. Malabari proposes to abolish the custom of early marriage are not only of a questionable nature, but are calculated to produce very undesirable results. His proposals that no married student be admitted to the University examinations and that the doors of the public offices be closed against him if carried into effect, will inflict punishment upon the very classes of people which are reforming themselves or are capable of reforming. I mean the educated people. What effect can such a check on innocent young students have upon our society? How can this undeserved punishment of the educated few permeate the impenetrable strata of the illiterate population? Will it affect the masses of our people? The answer is self-evident. The only means which seem to hold out any promise of success are the two agents mentioned above. These alone are calculated to regenerate India and destroy many superstitious customs and practices that infest us.

Such being the case, I think no kind of State interference other than encouraging male and female education and allowing a full scope to the western civilizing influences is necessary, for any legal enactment about this subject will only result in the demoralization of our society. The State should not on any account meddle with the domestic concerns of the population so long as they do not in any way clash with the interests of the State. Any attempt on the part of the Government on the lines sketched out by Mr. Malabari will hurt the feelings of the people and be interpreted as the infringement of the solemn promises held out by the Royal Proclamation of 1858, inasmuch as the religions of the rulers and ruled are quite different and the custom forms a part of our religion, let any outsider say what he may to the contrary; we have found out the mistake long since and we are trying to rectify it. Any meddlesome policy will rather retard than accelerate the progress.

As regards the enforced widowhood, Mr. Malabari has made a very unpardonable mistake. His note, No. II, will lead any one unacquainted with the Hindu community to believe that this custom is common to all Hindu castes. This mistake alone is sufficient to disentitle him to claim any respectful consideration of his proposals.

It is universally known that enforced widowhood, as cruel and unnatural as it is, is confined only to Brahmins, Purbhus and a few Brahmanised castes, who form a very small portion of our society. Excepting these castes, all other castes allow and practise remarriage as it should be, and as it is practised in the civilized world.

In this connection, the writer states that " there is scarcely a village, scarcely a hamlet whose shrine is not desecrated by murder." This is a most highly depicted and imaginary picture exceeding even the decent bounds of exaggeration. He has heaped all the iniquities on the devoted head of the unfortunate Hindu widow, and in doing so has altogether ignored the existence of the evil among other communities who practise widow marriage. The evil implied in the above quotation is not peculiar only to the Brahmin or Brahmanised widow, but prevails more or less in communities who practise and allow widow marriage. Be it said to the credit of the Brahmin widow that her faults, as venial as they are, from the hard and unmerciful fate under which she labours, number yet far less than could be anticipated from her helpless state consequent upon the compulsory widow celebacy.

The evil does exist as it does everywhere, since it is indissolubly connected with the constitution of the human society as it is. Yet, it is neither more here than anywhere else, nor is it of such a magnitude as to necessitate for its prevention any special legislation than the law of the country now in vogue.

It is most gratifying to note that the Brahmins and other higher castes have become fully convinced of the baneful consequences of this custom as those of early marriages, and are trying their best though slowly but surely to break through its shackles. Any hasty action taken in this matter is likely to lead to undesirable consequences, since this custom is intimately connected with, and forms a part of, our religion. The most dreaded consequence of the abolition of this custom is the social degradation which has kept back the sensible and patient Brahmin from taking a precipitate action in the matter. He is not willing all on a sudden to lose his high position, yet, however unwilling he may be, the times have obliged him to prepare for the change, and he is forced by the peculiar circumstances of the cause to yield, though slowly. He has half yielded : remarriages have been solemnized though few in different parts of India. This movement, though yet in its incipient stage, seems to bid fair to be an accomplished fact in the course of a few years more. So the impatient and unpledged reformer need not be despondent. He must wait a while. He must yet learn that patience and time are the best and safest progenitors of such reforms.

It is true the remarried parties had to suffer some persecution at the onset, but that spirit has now undergone a change for the better. There is no such thing as persecution now; the Brahmin has become tolerant beyond expectations and wishes with all his heart that remarriage would become an institution in his castes as it is in others. All this change is due to education and civilization. Now that female education, though yet inchoate, is spreading pretty fairly, and its votaries who have hitherto opposed the onward march of the social reformation will themselves assert their rights when they come to realize their true position in the society, and the remarriage movement 20 years hence will take a deep root in the Brahminical caste.

The Act No. 15 of 1856 is the best safeguard which a wise Government like our own can have vouchsafed to its subjects. Beyond this it need not go. The Act fully protects the rights of the widows of all castes. Any persecution that may be incidental to remarriage will find ample protection in the Penal Code.

No law can compel a widow to remarry against her will. The desire for the reform must spring from within the community in which it is needed. No external force can ever affect the desired reform. The desire is created, the necessity for the innovation is felt, the work has begun but will necessitate a definite time for its full development.

The four rules which are pressed upon the attention of Government for the encouragement of widow marriage amongst us are uncalled for, and are not wanted.

Mr. Malabari's suggestion about the establishment of a national association for social reform is welcome, and had he directed his efforts to the organization of such institutions all over the land, he would have earned untold gratitude of all Hindus.

In conclusion, I beg to state that Mr. Malabari has exaggerated the state of matters affecting our society, and his views thereon are not worth any serious consideration by Government, and his action in the matter is quite meddlesome. I beg to submit as my humble opinion that Government should on no account interfere with our social and religious matters.

From Mr. R. G. BHANDARKAR, to the Under Secretary to Government of Bombay, General Department,—dated Poona, 23rd February 1885.

I beg to acknowledge the receipt of your letter No. 4164 of 1884, requesting me to state my opinion on the proposals made by Mr. M. B. Malabari in his notes on " Infant Marriage " and " Enforced Widowhood, " a copy of which you have been good enough to send to me.

My first impression on reading the notes was that the evil effects of the two customs were very greatly exaggerated by Mr. Malabari. Such exaggeration instead of benefiting a

good cause does very great injury to it. Thus in the first paragraph of Note I. Mr. Malabari says that he finds "Infant marriage in practice a more serious evil than infanticide," because "an ill-sorted infant marriage entails life-long misery on either or both parties." Abstracted by no doubt what one supposes an ill-sorted marriage must entail life-long misery. But why should one suppose the child-marriages that take place in Hindu society to be ill-sorted? The parents of the bridegroom and the bride belong to the same caste and same social condition, and from childhood the girl and the boy are brought up in the belief that they are destined to be wife and husband, and that their mutual relation is as much the work of nature and consequently inviolable as the relation between brother and sisters or parents and children. This belief enters into the formation of their character, and they grow up as wife and husband and consequently become adapted to each other. Cases of child-marriage proving ill-sorted afterwards are therefore extremely rare and deserve no consideration, and Mr. Malabari himself admits that it turns out "happy in a large number of cases." I am of opinion that the marriage union effected after the formation of the character of the bride and bridegroom is much more likely to prove ill-sorted than one entered into before the formation of character. It will thus be seen that the statement that infant marriage is in practice a more serious evil than infanticide, because it proves ill-sorted, is a mere rhetorical flourish.

Among the evil effects of early marriage even when it turns out to be happy, Mr. Malabari next enumerates "breaking down of constitutions and the ushering in of disease," "the birth of sickly children," "a disorganised household leading perhaps to sin," "a wreck of two lives grown old almost in youth," death coming in "to the relief of the husband and wife," and the addition of "two or three orphans to the fraternity of unprotected infants." Mr. Malabari asserts that this is not an overcharged picture; but if it were not a simply imaginary picture, it is difficult to conceive how that section of Hindu society in which child-marriage has prevailed, that is, the Brahmins and other higher castes, could continue to live and live not in the sense of dragging on a miserable existence, but lead Hindu society and preserve its traditional place under the change of circumstances brought on by British rule, by adapting itself energetically to the new conditions. I am acquainted with innumerable men and women married in childhood in whom none of the effects mentioned by Mr. Malabari is observable. It must not be forgotten that marriage in these cases simply means the contracting legally and religiously of the inviolable relation. The earliest age at which a boy begins to live as husband is eighteen or seventeen, and the girl as wife is fourteen or thirteen, and ordinarily, I believe, it is higher. It is, however, extremedy rare that a girl begins to bear children before she is sixteen. Over-population is another evil effect attributed to early marriage; but I believe, if we compare an average case of this with a similar one of late marriage, we shall not find the fecundity of the former to be greater. The average number of children of a Brahmin marriage does not, I feel sure, exceed that of a Parsi or a Mahomedan, or even a European marriage. Mr. Malabari endeavours to make it out to be the duty of the State to interfere with the custom of child-marriage on the ground of its leading to over-population; but even supposing that this is a valid ground, it is essential that he should clearly show over-population to be the result of that custom.

Though, therefore, I cannot agree with Mr. Malabari in attributing such woeful results to child-marriage, I do think that the custom is productive of evil. A young man is too early burdened with the cares and responsibility of a family, and even when his parents being alive relieve him of the burden, the excitement and diversion of thought inseparable from a married life render a single-minded devotion to studies and to the improvement of the mind all but impossible. The result is worse in the case of girls. The merest elementary education is all that can be given to them under the present circumstances. Their being married when they are eight or nine years old, increases also the chance of their becoming child-widows. And I believe that if a young man and a young woman begin to live as husband and wife in all cases when they are twenty-one or twenty-two and sixteen or seventeen respectively, the total physical effect will be better than at present. But I would not avoid the evil and secure the good by a legislative measure; for a legislative enactment for which the people are not prepared fails to produce the intended effect; and the force of custom among the Indian people is so strong that in most cases they will more readily undergo the punishment attendant on a violation of the enactment which, after all, cannot be very heavy, than break the custom. The trouble and oppression unavoidable in the case of a trial and the preliminary proceedings of the police will be great, and all this, together with the legal penalty, will, in my opinion, prove vain and fruitless. The indirect moral effects of an undue interference by the State with the liberty of the individual will also be bad.

I do not agree with Mr. Malabari in thinking that an unmarried candidate for employment in the public service should be preferred to one who is married. This will only have

the effect of depriving most young men of the only chance of maintaining their wives and children. He seems to think that an unmarried man will make a better servánt of the State; but to me the opposite seems to be the truth. A married man will care more for employment and consequently will make a greater endeavour to win the good-will of his employers than one who has got no wife and children to support.

I am, however, of opinion that the university might on giving five years' notice rule that no married candidate shall be admitted to the matriculation examination. Hindu public opinion among the classes to which the candidates for matriculation belong has for some time been gradually coming to recognise the advisability of keeping boys unmarried till about the age of seventeen, which is the average age at which boys matriculate. Such a rule, therefore, as that I speak of, will not cause much grievance, and will considerably strengthen the forces already in operation. But I object to the prohibition being extended to the degree examination; for the average age of a young man when he passes that examination is twenty-one, and not only is public opinion not at all prepared for delaying marriage till that age, but there is, I think, another important consideration. There is a religious objection to keeping girls unmarried till about twelve, and though even in their case public opinion has been operating in the same way as in the case of boys, still on account of that religious objection most girls will necessarily have to be married between nine and eleven. A young man of twenty-one, therefore, can obtain for wife only a girl of about ten years of age and by the time she is able to live as wife the young man will be about twenty-four years old. In my opinion it is of great importance to keep a young man free from temptation, and when a Hindu boy once falls a prey to it, it is very difficult afterwards to reclaim him. The three years between his graduation and the consummation of his marriage will be to him a time of temptation. He will have finished his education, and there will be nothing to keep his mind fully occupied; and there will be great danger of his morals being spoiled during the period and his health too, and that perhaps permanently.

Mr. Malabari winds up his note by mentioning two very obnoxious kinds of early marriages. One of these is the marriage of an old man with an "infant girl." Such a match is condemned by the Hindu Shastras, and a father is prohibited from receiving money in exchange for his daughter. But the condemnation and the prohibition are practically disregarded, and now and then one does find such heartless marriages solemnized. Even Hindu public opinion is much opposed to them. Nobody has a right to object to the marriage of an old man with a woman of advanced age if they choose to enter into that relationship; but to marry a girl of eleven or twelve years to an old man of fifty whom it is impossible the girl should like for her husband with the certain prospect of a life-long widowhood for her after a few years of a distasteful and unhappy married life, is unfeeling cruelty. This wilful and wanton condemnation of an innocent girl to a life of misery comes, in my opinion, within the legitimate scope of law. The best way to deal with the matter would be to render a marriage penal when the disparity between the ages of the bridegroom and the bride amounts to thirty years. This will not prevent an old man's marriage with a grown-up widow, but will put a stop to his taking a girl of twelve to wife. Such an enactment will invest with strength the Hindu religious law and respectable Hindu opinion which condemn the practice, but have become powerless and, therefore, cannot be reasonably complained of.

As to the second kind of obnoxious marriage, I am not at all acquainted with it, and, therefore, am not competent to speak about it.

I will now proceed to consider the note on "Enforced widowhood." This like the last is full of mischievous exaggeration. In an early paragraph Mr. Malabari says "when every village almost may be covering its shame, connivance is the only hope of the community," and "the unknown ones (cases of infanticide) may be twenty times more"; and waxing warm as he goes on with the argument he clothes the same idea in very striking words, and tells us that "there is scarcely a village in India, scarcely a hamlet, whose shrine is not desecrated by murder; where the blood of the innocent does not pollute the sanctuary of its God." All this is simply untrue, and before making the statement, and asking Government to devise special measures, Mr. Malabari ought to have placed the evidence on which it is based before Government. As it is, I am of opinion that if the cause of widow marriage is to be advocated simply or even chiefly because unmarried widows murder their infants, it deserves little support; for the number of murders is certainly not large enough to render the violation of a time-honoured custom very desirable and to excuse the great offence that this will cause to the religious feelings of the people.

Then Mr. Malabari endeavours to torture the conscience of the governing class and to make out a strong and clear case for Government interference. But this endeavour is based on what is purely a serious historical blunder. "Such (*i.e.*, the evils attendant on perpetual

widowhood) are the results," he says, "virtually of the abolition of Suttee by the British Government." "The State," we are told, "has presumably rescued the widow from the flames," in order that she may do a certain act which, however, caste punishes; also that "Government save the widow from compulsory immolation, henceforth the widow becomes a ward of the State," and that the widow is "the State's adopted daughter." But Government rescues from the flames and saves from compulsory immolation one widow only out of 5,000; how can that act constitute the remaining 4,999 widows, wards or adopted daughters of Government? Mr. Malabari labours under the misimpression that before the abolition of Suttee all widows without exception had to burn themselves along with the dead bodies of their husbands, and actually did so, whereas the fact is that the occurrence was extremely rare. The Hindu Shastras do not make Suttee compulsory. Manu and Yâjnavalkya, the principal law-givers, make no mention of it whatever. It is only some of the minor law-books that prescribe it, and they even make it optional, the other course open to women being perpetual widowhood. On the other hand, there are distinct texts prohibiting the immolation of widows of the Brahmin caste, and one law-book allows even remarriage. So that the general spirit of the Hindu Shastras is in favour of perpetual widowhood, self-immolation being allowed but not enjoined. And the practice was in keeping with this spirit. Most women remained widows after the death of their husbands, while the cases in which they burned themselves along with their dead bodies were few and far between. The evils of perpetual widowhood, therefore, are in no way "the results virtually of the abolition of Suttee"; and the British Government is in no way responsible for them.

Mr. Malabari recommends Government to interfere, and makes four suggestions. The first two of these are based on the supposition that Hindu widows are willing to marry, but that they are forced to a life of seclusion by others; and the writer of the notes thinks that the custom of perpetual widowhood is "a freak of the priestly class and of a set of social monopolists." But such is not the case. It is an immemorial custom, and its force on the popular mind is so great that the idea of a Brahmin widow marrying is regarded with sincere horror by the orthodox. Such of the widows as can control themselves are at one with the orthodox in this respect and consider it a sin to marry again; while those in whom frail nature triumphs would rather secretly violate their vow than marry openly; for the feeling of the society around is so greatly opposed to it that they cannot entertain the idea. It is not because they are forced to remain single by anybody in particular that they do not marry; but because the society in which they move looks upon a widow-marriage with religious horror. Of course there may be a few who have come under the influence of recent ideas on the matter and entertain the desire to be married again. But nobody can effectually prevent them from carrying out their wishes, and the existing law can secure them against force, and there are reformers to assist them. If the Government is pleased to provide them with such legal assistance as Mr. Malabari speaks of in his third suggestion, there can be no objection to it. Mr. Malabari's fourth suggestion will go but little way towards bringing effectual relief; for though it may put a stop to formal excommunication, nothing can compel people to hold communication with the relations of the remarried widow and her husband or prevent them from looking down upon them. And as a matter of fact formal excommunication has almost disappeared in this part of the country.

Though I believe Mr. Malabari's account to be greatly exaggerated, there is no doubt that perpetual widowhood as imposed by custom on all women who have the misfortune to lose their husbands is a great and a crying evil. But Government has done all that it could do directly by legalising widow-marriage, and nothing more can in my opinion be done by legislative measures. But indirectly Government will greatly help the cause if it pushes on vigorously the education of girls and especially their higher education. Education will enable women to understand their position and their rights and embolden them to look down upon that popular feeling of which they are now so greatly afraid, but the iniquity of which will be rendered apparent to them. And when they assert their rights with force there is nothing that can prevent their getting them. Educated Natives too can do a great deal. By means of lectures, pamphlets, organized bodies, &c., they should endeavour to influence popular opinion and familiarise the popular mind with the idea of widow-marriage, and whenever there is an opportunity they should actively assist in bringing about such marriages. A good deal has no doubt been done hitherto in this respect, but more might be done.

I trust to these agencies also to bring about another reform as to which Mr. Malabari makes no suggestion. The proposals that he makes in connection with early marriage have for their object the raising of the age in the case of boys only. But it is equally important that the age of girls also should be higher. There is no religious objection against the former, but there is against the latter, as I have already stated. But the sin that a man incurs by keeping

his girl unmarried till after a certain physical occurrence can according to the Shastras be wiped off by doing a prescribed penance which is not heavy. So that the religious objection is not insuperable. What is therefore necessary is to create such a feeling against the marriage of girls before twelve as will embolden parents to keep them unmarried till a later age and do the prescribed penance. In many others the practice of the Brahmins at the present day is not in strict accordance with the Shastras. They have therefore often to perform penance for their transgression. This strong feeling can only be created by the education of women and the exertions of educated Natives to disseminate corect ideas, and the cause will be greatly benefited by their setting a good example by their practice. A legal enactment will be inefficacious and prove oppressive as I have already stated.

It grieves one however to observe that the present generation of educated Natives are not so enthusiastic about the elevation of women as they are of many other things; while it is almost disappointing to find that the lower strata of the body actually oppose any scheme that has for its object the amelioration of their condition.

From Mr. GAVARISHANKER UDEYSHANKER, to the Under-Secretary to the Government of Bombay, General Department,—dated Bhavnagar, 23rd February 1885.

I have the honour to acknowledge the receipt of your letter No. 4164, dated the 13th November last, forwarding copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari of Bombay, and requesting my opinion on the proposals made therein.

2. In reply I beg to say that I have carefully read the paper and now have much pleasure in offering the following observations on the points touched upon by Mr. Malabari.

3. From the manner in which Mr. Malabari speaks of "Hindu parents," "Hindu society," and "Hindu widows" in the paper, it would appear that Mr. Malabari considers that the customs of "Infant marriage" and "Enforced widowhood" are generally prevalent among *all* sections of the Hindu population, but to my mind this is not the case, because as far as my knowledge extends the infant marriages are not common to the bulk of the Hindu population, but are confined chiefly to a few among the upper classes, such as Brahmins, Kshatrayas and Wanias. The prohibition against the remarriage of widows also operates among nearly the same classes, as well as the more respectable of the Rajput, Grassias, and Patidars, and excepting these classes, the rest of the Hindu population have, to my knowledge, no objection to the remarriage of widows. It is the more necessary to bear this fact in mind as it serves to show that the considerations put forward in the two notes of Mr. Malabari have reference, after all, to a small number of the population as compared to the bulk of the Hindu classes amongst whom infant marriages are not common, and widow remarriages are permitted.

4. Confining myself then to the comparatively small number of classes to which the evils described in Mr. Malabari's paper are directly applicable, I may be permitted to say that among them marriages are regulated by the ordinances of the Hindu law which the upper classes among the Hindu society are bound by religion to observe. For instance, the *Nirnaya Sindhu*, a modern work of recognised authority on the law and customs of the Hindus in this Presidency, enforces marriage proper on a girl at 10 years of age, but extends the limit to 11 under a penance if it be found inconvenient to solemnize it at the age of 10. The *Dharma Sindhu*, another modern work on Hindu law, says:—For girls, nine and ten are middling good ages, eleven a bad age, and twelve is one requiring the observance of penance to wipe away the sin (see Chapter III). Further on, the author of the *Dharma Sindhu* says:—"If a girl resides under the roof of her father unmarried up to 12 years of age, her father commits the sin of killing an unborn child. The girl at that age should marry herself without the intervention of her father," so that if the custom among certain castes allows marriages at an age earlier than 10, it would be quite in conformity with Hindu law to prevent such marriages by bringing their impropriety to the notice of the elders of the community amongst which such custom obtains, and by persuasion leading them to a right understanding on the subject. A girl of 11 years of age married to a boy of from 15 to 20 years is a proper marriage—one sanctioned by Hindu law. I consider 11 years for girls and 15 to 17 years for boys to be fairly good marriageable ages for the two sexes in a tropical country like India. I am not in favour of marrying a girl at any time after she has passed the age of 11 or at the utmost 12 years, for it seems to me that the very evils of miscarriage and infanticide and other moral lapses depicted by Mr. Malabari as likely to proceed from the prohibition of remarriages of Hindu widows will in all likelihood re-appear in perhaps greate vividness and intensity by the simple fact of girls being declared free to marry at ages late

than 12. While, therefore, I approve of the desirability of discouraging infant marriages among Brahmins and other higher classes, I cannot help considering 10 to 11 years as ordinarily fit limits of age for girl marriages.

5. The other proposal of Mr. Malabari has reference to widow remarriage. This is a somewhat delicate question on which opinions vary. This question, also, like the infant marriage question applies to a limited circle of Hindu society, namely—Brahmans, Kshatrayas, Kayasthas, Wanias, and the respectable classes of Rajput Grassias. The prohibition in the case of a high class widow to remarry has its origin in the injunctions of the Hindu law, and respecting as I do the injunctions of that law, I for one am not prepared to go with Mr. Malabari in the reasoning by which he seeks to make out his case. It is true that widow remarriage obtains among Lowánás, Laitás, Kunbies, Barbers, Dhobies, Mochies, Darjis, Koombhars, Kolies, and other Hindu castes. But I may say I have known of instances of evil results following such second marriages. I can say from my pretty long experience of life among these classes that matches of this kind have been viewed with disfavour by the Hindu community in general. They have been designated "Nátrás" or ill-assorted marriages. When a widow remarries, her offsprings by the first husband are left to take care of themselves. They are in many cases rendered almost destitute of protection if the husband has no father, mother, or other relatives to keep a close eye upon them. Neither the remarried mother nor her second husband has the care of them. An extension of the system would, it seems to me, only go to swell the number of the pauper class in the shape of unprotected offspring, and produce an intensity of the economic evil of over-population of the poorer classes, which Mr. Malabari apprehends and seeks to check.

6. All these considerations lead me to think that in social usages based upon religion any improvement, if found desirable, should be left to be worked out by the classes themselves. I strongly deprecate any pressure from outside in questions of this kind.

7. But while pressure from outside is undesirable, State interference in matters of this kind is in my opinion wholly inexpedient. Once grant that the State has the right to interpose its authority in questions which are so closely connected with the religious practices of the people, and the difficulty will be to know where to draw the line. Neutrality in such matters is, I consider, the best position for the State to take.

8. No observer of Hindu life can afford to ignore the fact that religion is the basis upon which the whole fabric of Hindu society is built, and the reformer who chooses to pull out one brick from here, and another brick from there, with perhaps the best intentions in the world to improve the shape of the structure, is bound to pause, and consider whether his attempt, instead of mending matters will not cause the whole structure to tumble down. I for one am decidedly opposed to State interference both in respect of infant marriages or widow remarriages. I would leave reforms in respect of both these questions to be worked out gradually from within by means of education and the growth of sound opinion which it would be sure to create.

From Mr. HINDU MAL BAL MUKUND of Poona, to the Under-Secretary to the Government of Bombay,—dated 24th February 1885.

I have the honour to acknowledge with thanks a copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari of Bombay, along with your letter, No. 4164, dated 13th November last, and another letter, No. 296, dated 28th January last. I carefully considered Mr. Malabari's proposals. In compliance with your request I take pleasure in submitting my opinion to the kind consideration of His Excellency the Governor.

Under the benign rule of the British Government the people of India enjoy incalculable advantages and blessings, free education, liberty to talk, liberty to write, and efforts to elevate the female sex have worked wonders in this country. Though this country has been inhabited by people of different creeds and caste, our kind Government looks upon them with impartiality. There are many evils resulting from infant marriage and enforced widowhood. In order to check this evil, State interference of any kind is not at all advisable or productive of any good. The Proclamation issued under the orders of our Gracious Sovereign on the 1st November 1858, clearly states that all shall alike enjoy the equal impartial protection of the law, that none be in anywise favoured, none molested or disquieted by reason of their religious faith or observances. University graduates and others may take a pledge not to marry under a certain age. There may be some desirous of legislation. If a law be passed, there are hundreds of youths here who are not under a strict guardianship. They will take undue advantage of marriage by unfair means.

In every class of society progress is seen daily. Though the Shastras sanction early marriages under certain terms, the Brahmins of the city and other places are found voluntarily

celebrating marriages at a proper time when boys or girls are marriageble. Such a tendency is seen even among the people of my own caste. Widow marriage associations are formed in Bombay, Bengal and Madras Presidencies. Much attention at present is paid to the physical education of youths in schools and colleges of this Presidency. By the spread of education of all kinds among the masses and the elevation of women, the evil of infant marriage and enforced widowhood that is gradually growing less and less, will naturally and voluntarily be checked. I am of opinion that every reform in social or religious matters should be left to volition. There ought to be no compulsion. Voluntary associations may be formed under the leadership of the different religious preceptors. I would ask the Sarvajanika Sabha to adopt the wise plan of sending expert agents to the different parts of the Presidency as itinerant preachers to deliver interesting and impressive addresses (prepared by learned men like Mr. Malabari) before large gatherings to point out the evils from infant marriage and enforced widowhood. Government may make a similar suggestion to the Sarvajyanika Sabha of this and other places.

From NAGINDASS TULSIDAS, to the Secretary to the Government of Bombay,—No. 124, dated 26th February 1885.

I owe an apology to you for the delay that has occurred in submitting my humble views on Mr. Malabari's Notes on the two great subjects—Infant Marriage and Widow Remarriage in India. I had never lost sight of the subject, but having been waiting up to this time for an opportunity to do so when I can calmly and cooly think over the whole matter, and state in a temperate manner my opinion; but I am sorry to say that owing to domestic troubles I was unable to get such an opportunity up to this time, so with this excuse I beg to state my humble views on the two subjects. I may, however, state that in a matter like this His Excellency's Government cannot be too cautious, for however beneficial a step that may be taken may appear at present, it may seem faulty in the eyes of some of the future generation. As an illustration of what I mean, I request His Excellency's attention to the following remarks of Mr. Malabari on Note II.:—

Such are the results virtually of the abolition of suttee by the British Government. Had Mount Stuart Elphinstone and Lord William Bentinck anticipated them, they would have paused before enforcing the law without its legitimate corollary.

So that in order that no measure adopted by His Excellency's Government may be open to a charge like this, Government cannot move too cautiously and too carefully in the matter. With these preliminary remarks I at once proceed to the two Notes.

NOTE I.

Infant Marriage.

Infant marriage is not so great an evil as it seems at present. Mr. Malabari allows in the second paragraph of his note that "in a large number of cases" the union brought out in the way mentioned by him turns out happy. The evil is not so much in the celebration of the wedding ceremonies as in the living together as man and wife at too early an age. The origin of the custom will throw some light as to the means that should be adopted to prevent the evil. It is the numerous sub-divisions of the caste that has to answer for it. When there are too many sub-divisions of castes, with strict injunctions against inter-marriage outside the sub-division, it is natural that parents become anxious to secure for their sons and daughters suitable wives and husbands as soon as possible. This has been carried to such an absurd extreme, that in Gujrat and Kathiawar infants a few months old are married in some castes where marriages are allowed to be celebrated at certain long intervals. In these castes even unborn children are married. This is managed thus: When two women are in the family way to whose children's marriage there is no hindrance on account of consanguinity, &c., agree with their husband's consent that, if the issue of one is a male child and that of the other a girl, the two unborn children are to be regarded as married. With this understanding the two mothers go through the ceremony with balls of flowers in their laps. If the issue of both is male or female the ceremony goes for nothing. Such is the absurd extreme to which the system of infant-marriages is carried on. However there is this to atone for it, that remarriages are open to females as well as males in these castes. The evil exists though not productive of so much misery as Mr. Malabari would have us believe The conviction that they must pull on together, and so bear, forbear and forgive induces the married couple to get on smoothly in life. Here the prohibition of remarriage to widows is a motive for females to put up with the faults of the husband and pull on with them. The question is what is the remedy.

Direct interference by Government by means of legislation is not for a moment to be thought of. The remedy would, I am afraid, be worse than the disease. It is only by moral

pressure, as Mr. Malabari suggests, that something can be done by Government. He is also right when he says that the object cannot be attained through educated Natives, as the priests, who are the actual rulers in matters like this, will turn to their advantage the want of confidence that the masses are induced to entertain against them at the instance of these very priests, who make the people believe that these educated persons are sure to subvert the established and orthodox religion. So it is only through the orthodox priests that something can be effectually done if any thing can be done at all. So if Act XV. of 1856 be extended, and nter-marriages among the numerous sub-divisions of one large class be encouraged, much relief will be given. At present such inter-marriages are not illegal, but it is the tyranny of the caste in the shape of excommunication that makes such marriages virtually illegal. To make such excommunication criminally punishable much evil will be removed. I shall have to say something more on this subject when I discuss the other note. I may however in passing remark that the evil exists not only among the Hindus but also among the Muhammadans, and even among the Parsis to some extent among the uneducated classes, so the hot climate has also to answer for the evil to some extent.

Note II.

Enforced Widowhood.

I may here state at once that the evil is not so extensive as it is represented to be. It is natural for a gentleman of such philanthropic views as Mr. Malabari to be carried along by observing a few instances of a revolting nature into sentiments like those expressed at the top of page 7 of his Notes. But I beg to state that Government will have to proceed on facts only. I think the number of Hindus in the British Empire in India, among whom widow remarriage is not allowed, is comparatively small. If Government were to add a column to the census tables to ascertain whether a Hindu householder belong to a caste in which widow remarriage is allowed or not, they will find that the number is very small indeed. If so, the number of the widows who could remarry if allowed will be very small also. If so, one may even be inclined to ask "is it worth while for Government to interfere *at all*?" There are the Mahomedans, the Parsis and those classes of Hindus among whom remarriage to widows is allowed. Are they better off with this custom than the other classes of the Hindus without it? Do not some of the evils attributed to want of such a custom exist among them? Information on this point will prove of much use to Government. It is only among the higher classes, namely, the Brahmins, some of the Khatris and the Bunias that it is prohibited, and their number is very limited indeed, so the evil is not very large. However, it cannot be denied that it does exist, so the question is—how to remedy it?

It is only by gentle moral influence such as moral support given to those who actually enter into such marriages and their adherents, that something may be done. I agree with Mr. Malabari that people are prepared to obey Government in this matter if a little gentle pressure is put upon them. They are not likely to take the initiative. So if the religious heads of all denominations are encouraged and requested to lend the weight of their authority to Government in this matter, the object will be soon attained. In India, I may beg leave to say, that the priests have always been consulted, and it is with their assistance that all measures of a religious nature were introduced, and in my humble opinion the British Government which allows to the Hindus the free enjoyment of their own laws in some matters and never interferes with their religion, cannot do better than follow the previous Hindu rulers of the country in consulting and taking along with them the priests in whom the people have confidence. Let the measure be introduced through the priests, and let such priests who assist Government in the matter, be encouraged in such ways as Government can, and in my humble opinion Government will slowly but surely succeed.

As to the suggestions made by Mr. Malabari I beg to say that they are impracticable, unless there is actual legislation which I do not think that Government is willing to undertake. The most aggravating case is that of an unfortunate girl who has the misfortune to lose her husband after the wedding ceremony is performed, but before she has ever lived with him as his wife. Mere betrothal does not amount to such wedding as will inflict on her life-long widowhood, as Mr. Malabari seems to think in his first suggestion. In such aggravated cases Government may rule that any excommunication, whether direct or indirect, of such a girl and her new husband and their supporters, on her remarriage, shall be criminally punishable if Government is prepared to legislate at all. I think Act XV. of 1856 sufficiently secures the rights and privileges of a widow who remarries, and the only effectual additional legislation will be the one pointed out above.

These are the few crude remarks which I very humbly and respectfully beg to submit for the consideration of His Excellency, with an earnest and sincere hope that His Excellency's

Government will see their way to granting some relief at all events, to those poor and unfortunate widows, who by no fault of their own, but by ill-luck, are condemned to perpetual widowhood. It just strikes me that if bigamy, polygamy and remarriage be prohibited to males of the castes who obstinately refuse remarriage to widows, the object of Government will be attained sooner. But this, again, will necessitate legislation which Government may or may not be willing to undertake. No doubt there will be a loud outcry at first against such a measure, but eventually it will so happen that they will pray for the enactment of an Act for widow remarriage and for the repealing of the one against bigamy, polygamy and remarriage to the males. But this will either be a strong measure, however beneficial it may appear at first sight.

It further occurs to me that Government may do much by requiring and diffusing information on the point. I am inclined to believe that this custom must have been introduced when the number of females was greater than that of males. If so, Government may ascertain whether that is the case now among those classes to whom widow remarriage is prohibited. If the fact is otherwise, the information thus obtained should be generally circulated, and people should be assembled in all cities, towns and villages and informed that the necessity for the prohibition does not exist. This will considerably strengthen the hands of the priests, who are the only persons who have now and then introduced reforms in India with success.

From Pandurang Balibhadra, to the Under-Secretary the Government of Bombay,—dated 28th February 1885.

With reference to your letter No. 4164 of the 13th November last, I have the honour to submit to Government my views on Mr. Malabari's papers on "Infant Marriage" and "Enforced Widowhood." After the best consideration I have been able to give to the subject, I have come to the conclusion that it is not desirable to effect any social reform with the aid and sanction of the ruling authority. I am of opinion that there is no necessity for appealing to Government in social matters. These society alone can deal with satisfactorily. "Constitutions, it is said, are not made but grow." This is as true of social as it is of political development. True growth comes from within, not from without. Reform to be real, thorough, and productive of lasting good, must spring and emanate from the people themselves. It should never be forced upon them. Unless the heart of society is touched, and there is a general widespread feeling in favour of a change, no attempt at innovation can succeed, however powerful be the support it receives from without. I need but refer to the Widow Marriage Act of 1856 to show how powerless is legislation in promoting social reform. That enactment was the result of an agitation on the part of the advanced section of the Hindu community in Bengal, who were struggling hard to establish widow remarriage on a secure basis. Finding their orthodox brethren dead against the change, and unable to cope with the opposition they had aroused, the reformers of the day appealed to the State for aid. The State intervened. An Act was passed granting legislative sanction to the remarriage of widows and conferring a legal status on the issue of such marriage. A more powerful support the reformers could not have secured against the tyranny of custom and the bigotry of priesthood. And yet widow remarriage is far from being an established institution among the Hindus. The Act has been in force for nearly 30 years. It extends to the whole of British India. It applies to all castes and sub-divisions of castes of the great Hindu community, and yet the cases are few and far between, in which people have availed themselves of its protection. And why? The answer would be that society is not ripe for the change. The generality do not like it. In their view it is neither desirable nor necessary. They even consider it a sin and a crime, and so long as they hold this opinion, neither reformers nor Government can succeed. The enactment has thus remained almost a dead letter on the statute book.

With these preliminary observations, I proceed to consider Mr. Malabari's suggestions for the accomplishment of the two great reforms he is advocating. First with regard to infant marriages, there cannot be two opinions that they are hurtful in the extreme. They sap the foundation of all physical, intellectual and moral growth. They enfeeble the individual. They degenerate the community. They impoverish the country. But strongly as I would condemn the practice of *infant marriages*, the question is whether *such* marriages are at all frequent or common at the present day? If not, there is no necessity for stirring in the matter. Prudence and good sense are sufficient to counteract the evil. So far as my experience goes, I think that the practice has become almost obsolete. Even where parents take a fancy to marry their children in infancy, what is commonly known as marriage, is really nothing more than a betrothal. The marriage is consummated at the proper age. The married couple do not cohabit till they attain the age of puberty. In the Prabhu caste to which I belong, infant marriages are very rare indeed. Within the last decade, I have not seen or heard of any.

Parents do not show any inclination of turning marriage into a mockery, of going through the farce of uniting two infants in solemn wedlock. Not only do they show better judgment and discretion in this matter, but they have now come under the influence of a custom which has put a considerable check even upon early marriages. Most parents find it difficult to secure suitable husbands for their daughters, unless they promise and can afford to pay a good round sum of money (seldom below Rs. 1,000) to the intended bridegroom or his parents. It is now become almost a fashion for one side to demand, and for the other to submit to this payment as a condition precedent to marriage. The result, is, children of poor parents, who cannot pay this heavy price, grow up to a mature age without the chance of marriage. It is not uncommon in these days to see in several Prabhun families girls grown up to womanhood and yet remained unmarried. As to boys, they are in many cases not forced into matrimony until they attain the age of discretion and are able to earn their own livelihood. So that the average age for marriage has now come to be 18 for males and 13 for females. If I turn to other castes, the age varies from 15 to 20 for the former, and 9 to 11 for the latter, and this is the age at which marriages are solemnized but not consummated. It will thus be seen that the evil complained of by Mr. Malabari though it originally existed, yet in recent times is nearly eliminated from society. There is, therefore, no necessity for resorting to such extreme measures as he advocates to check an evil which really does not exist.

But perhaps Mr. Malabari holds that marriage even at the age above indicated is little better than infant marriage strictly so-called. He perhaps thinks that the age as it is, is far too low. It may be so according to the European standard. But that standard is not suited to tropical countries, where nature arrives at maturity earlier than in cold climates. Nature herself fixes the limit of age for the union of the sexes, and it is sound wisdom to discern that limit and observe it in practice. Judged by this test the average marriageable age with us is by no means unreasonably low, or foolishly premature. There is therefore no ground for denouncing the present system of marriage among us as mischievous in the highest degree, and therefore urgently calling for reform. No doubt the system is in many respects faulty; it is undoubtedly capable of improvement, but it has been improving and will continue to improve with the progress of the times. Education is fast spreading among the people. New ideas and sentiments are springing up all around tending to supplant the deep-rooted prejudices and the long-cherished convictions of by-gone days. The old order of things is passing away. A generation is rising up imbued with the spirit of western thought and western culture. A new civilization is brought in collision with the old. The two are engaged in a struggle, of which it is not difficult to predict the issue. The two though apparently antagonistic are really not incompatible forces, which will gradually work in harmony to bring about a vast intellectual, moral, and social revolution in this country.

Believing as I do in the progressive tendency of the times, I am against all spasmodic efforts in a wrong direction. I have already shown that infant marriages are seldom if ever contracted in these days. It is therefore useless to raise any outcry against them. But even assuming that they are of frequent occurrence, the means by which Mr. Malabari proposes to check them are hardly practicable. He suggests that Indian Universities should close their doors on married youths, and that celibacy should be one of the necessary qualifications for academic life. Were these suggestions to be adopted, our Universities would be arrogating a function which does not fall within their province. Constituted as they are at present by Acts of the Supreme Legislature, they can only guide, regulate, and direct the course of instruction pursued in our schools and colleges. They can by means of examinations test the intellectual qualifications of aspirants to academic distinction. They can confer degrees and diplomas on the alumni, as a guarantee to the outside world that the recipients have attained a certain amount of intellectual culture. But more they cannot do. They address themselves exclusively to intellectual training as distinct from moral, religious, social, or political training. With that they have nothing to do. How then can they be asked to interfere in social matters and enforce celibacy as an indispensable qualification in the young votaries of knowledge?

Mr. Malabari next suggests that in selecting candidates for employment, Government should give preference to bachelors over married men, that by so doing, infant marriages may be at least indirectly discountenanced. But he overlooks the fact that those who seek employment in the public service are, as a rule, not boys, but grown-up men. By holding out inducement to these persons to refrain from marriage, Government would discountenance not infant marriages alone, but even those marriages which are contracted at a sufficiently mature age, a result which even Mr. Malabari would deprecate.

In his paper on enforced widowhood, Mr. Malabari makes suggestions still more impracticable. He admits that society is improving, that the widow has enlisted the sympathies of sensible and enlightened men in the community, and that there are individuals and associations working for her emancipation. But he is not satisfied with the progress hitherto

made. In his opinion it is insignificant and imperceptible. He complains that custom still retains a powerful hold over the people, and that the priest still reigns supreme. He laments that caste should have the power of interdicting widow remarriages on pain of social excommunication. And he fears that if things are let alone, a reaction may set in, undoing even the little that has hitherto been done. He therefore suggests that Government should come to the rescue of the widow and adopt certain measures for her benefit and protection. His first proposition is "that no Hindu girl, who has lost her husband, or her betrothed, if she is a minor, shall be condemned to life-long widowhood *against her will.*"

This suggestion implies that the young widow is prepared to do that which her parents and guardians will not and cannot do—to rise superior to her environment, to break through the barriers of custom and superstition, and proclaim her inclination to remarry in defiance of religious prejudices and social restrictions. To do this would require an extraordinary degree of mental strength and moral effort—the mind to conceive, the will to do, the heart to dare,—qualities which are rarely united in even the ablest and most accomplished *men*. Through want of these qualities, some of our foremost reformers have failed. For want of the requisite moral courage some have succumbed to the opposition and persecution of their orthodox brethren, and have actually recanted and done penance for their advanced opinions. For want of firm resolution and patient perseverance, people have fallen off by dozens from the side of their leaders and withdrawn their support from a cause which they had at first heartily espoused. The majority, again, rather than sacrifice their ease, comfort, and convenience, outwardly conform to existing usages even when they believe them to be wrong in principle and mischievous in practice. If this is the case with men of mature understanding, sound culture, and wide experience, can we expect anything better from a young widow under 18? What is her education, her training, her associations? Female education is still in its infancy. During the few years that a girl goes to school, ordinarily from the 8th to the 12th year, she merely learns to read and write and calculate up to the simple rule of three. When she leaves school, she carries with her but a very superficial and elementary knowledge. At home she imbibes the tone of thought and feeling pervading her father's or husband's family. If her elders happen to be, as in the majority of cases they are, of the orthodox faith, she turns out a disciple of the same school. Like them she follows implicitly the teachings of the Shastras, as interpreted by the priest. Like them she adheres with unswerving faith to old customs and old practices, any departure from which would be little less than a sin and a profanation. She reads or hears the interesting stories of the Hindu mythology. And her heart is moved by the fascinating virtues of a Shita or a Dropadi. She reads and hears the verses of Tukaram or Ramdass, and her soul catches their religious tone and devotional spirit. Her character is then gradually formed and moulded by the very same influences to which her forefathers were subject for generations past, and she learns to live and act just in the same way as they did.

If by chance she loses her husband, she submits to her fate with resignation, and if her instincts and impulses be good, she leads a life of pre-eminent virtue and piety, she withdraws from society. She renounces the world, its pleasures, and its temptations, but with the one object of advancing the spiritual welfare of herself and of him whom death has temporarily removed from her. To her marriage is an indissoluble tie—it binds her to one and one alone. No other person can supply the place of her deceased husband. With such education, training, and associations, can we expect a young widow to rise in revolt against existing usages in direct opposition to the wishes of her parents, to the teachings of the Shastras and the tenets of her religion? Can we expect to find in her that strength of will and tenacity of purpose, that breadth of thought and extent of culture, that fortitude and resolution, which are so absolutely needed in all who want to move ahead of the times. If not, how can legislation benefit her? Legislation cannot create a desire which she herself does not feel. Legislation will not help those who will not help themselves. Legislation, then, will be as barren of results as Act XV. of 1856 has hitherto proved to be.

My opinion on the first proposition of Mr. Malabari renders it unnecessary to consider his other suggestions which are merely auxillary to the first, and as such stand or fall with it.

But though I disapprove of the means which Mr. Malabari proposes for securing the emancipation of widows, I am at one with him in condemning the present practice of life-long widowhood as a great social evil. I agree with Mr. Malabari that a strong effort should be made to remove the evil, but it should be in the right direction.

The only agency by which we can succeed is education. We have to bring the same influences to bear upon the orthodox part of the community which have made the educated few the Pioneers of Reform. Education will open the hearts and understanding of men to the influx of new ideas and sentiments. Education will dispel the mist of ignorance and superstition, and reveal the past and the present in their proper light. Education will correct

the narrow thoughts, the selfish prejudices, the mistaken and misleading notions, the vices and foibles of our social and religious hierachy.

Above all, education will create a strong public opinion in favour of reform, under the guidance of which men as well as women will emerge from a state of social stagnation into one of healthful activity and rapid development. Thanks to the labours of the Education Commission which have brought home to Government the necessity and importance of not only encouraging primary and secondary education among males, but also of giving a powerful stimulus to female education. Government have already approved and adopted the views and suggestions of the Commissioners, and will no doubt take proper steps for the promotion of female education. Among the many ways in which female education may be advanced, there is one which I would respectfully submit for the consideration of Government. And that is the establishment of Female High Schools in Presidency towns, where the want of higher education for girls is every day more keenly and widely felt. It often occurs that a girl goes through the whole of the present school curriculum, and is then unable to prosecute her studies further for want of a school where she may receive higher instruction. Unless her parents can afford to put her under able private tuition, she has no opportunities of extending her knowledge. The result is, the education of our girls ends with the school curriculum, and ends unfortunately just where it ought to begin. To obviate this difficulty Government would do well to provide a higher course of instruction for girls than they at present receive, a course embracing a variety of instructive and useful subjects, which will prepare them for the onerous duties awaiting them in after life, and enable them to ripen into good mothers, prudent house-wives, and real helpmates to their husbands. For this purpose, high schools may be established under the management and guidance of English female teachers, who will be able to exercise a vast personal influence on the intellectual and moral characters of their young disciples. These schools will in course of time become powerful agents in civilizing and enlightening the female part of our community, and when once the women are enlightened, the chief obstacles in the path of progress will be removed. Educated men and women will combine and co-operate with each other in every work of social improvement, a consummation most devoutly to be wished. Then, and not till then, can social reform be said to be real, thorough, and lasting good to their community.

From Haridas Veharidas Desai, Esq., Dewan of Junaghad, to the Under-Secretary to the Government of Bombay, General Department,—dated 28th February 1885.

In reply to your letter No. 4164 of the 13th Novomber 1884, I have the honour to state as follows :—

As so much has been said *pro* and *con* on the subjects of Infant Marriage and Enforced Widowhood, I fear whatever attempt I will make to express my reasons will be a mere repetition. I would therefore simply say that no interference will bring any desirable result, but the subjects should be let alone to be indirectly influenced by the good effects which the progress of civilization and constant social agitation will slowly, though surely, make in the minds of the people among whom these institutions prevail.

I quite agree with Mr. Mackenzie, Secretary to the Government of India, in what he has so wisely and suitably said on these two subjects.

I am very sorry that I could not submit my views long before this.

From Lakhmidas Khimji, to the Under-Secretary to the Government of Bombay, General Department, —dated 3rd March 1885.

I beg to acknowledge the receipt of your letter No. 296 of 1885, dated the 28th ultimo, inviting my attention to Government letter No. 4164, dated 13th November last, and requesting my opinion on the copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari of Bombay, which accompanied it, I have the honour to forward herewith the same for the consideration of Government.

From Lakhmidas Khimji, to the Under-Secretary to the Government of Bombay, General Department,—dated 3rd March 1885.

With reference to your letter, General Department, No. 4164 of 1884, dated the 23rd November last, forwarding for my opinion, a copy of a paper on Infant Marriage and Enforced Widowhood, by Mr. B. M. Malabari of Bombay, I have the honour to submit the following observations for the information of His Excellency the Governor in Council.

That the picture of evil and disastrous consequences of infant marriage and enforced widowhood drawn by Mr. Malabari in his paper, is, in my opinion, true in all its sense and not at all imaginary, and that the evil consequences from those long continued practices among the Hindus are even more than what Mr. Malabari has described.

That the indirect remedies suggested by Mr. Malabari in his paper, namely, ruling that a married person should not be eligible to go up for University examinations, and that the Heads of all Government Departments should prefer an unmarried to a married person for employment, &c., are the worst that could be proposed. For the present apathy towards higher education and University honours and want of desire for honourable professions on the part of the most influential and independent classes, such as are engaged in commerce and trade, among whom such evil customs prevail, and which it is most desirable to check, are such that a very few of them are found to have attained any degree of eminence in any of the above desirable accomplishments and professions. Deplorable as this present state of things is, Mr. Malabari's indirect remedies would make it worse than it is, for so long as the present system of infant marriage is allowed to continue in vogue, and no effectual remedy is applied by direct Government interference, infant marriages will continue the same as ever and consequently Mr. Malabari's remedies would have a tendency to actually debar the best and substantial men from aspiring to such things; and when these classes are deprived of the only motive of competing in this line, the only gainers thereby would be the Parsis and the Muhammadans, who, as a general rule, do not contract early marriages. I am therefore of opinion that it would not only be most undesirable, but actually detrimental to the interests of the State, to shut out the largest, the most influential and the best portion of the native Hindu community from the University degrees, the Medical Colleges and the other liberal professions to the exclusive benefit of some small sections of Natives.

Seeing that the evil actually exists, and that it is of such a magnitude that it is most desirable to put some sort of check upon it, and that the indirect remedies proposed by Mr. Malabari are worse than the mischief, I am of opinion that it is clearly the duty of an enlightened Government to put down the evil by a legislative enactment, and my reasons for this opinion are as follows:—

1. Whatever may be the origin in ancient times of these two pernicious customs, infant marriage and enforced widowhood rest in the present time on no higher authority than a custom handed down through many centuries. For we find communities, who not only do not believe in the Brahminical Shastras, but are diametrically opposed to every doctrine inculcated by them;—the Jains and others, for instance, have adopted the same pernicious customs. This fact does away with its religious aspect.

2. The humane British Government have directly interfered in putting down evil customs that were found to be incompatible with reason, humanity, good order or good government in the following instances :—

The practice of suttee.
Ditto of infanticide.
Ditto of "Bherav Jap" at Dwarka (a leap into the sea from some projecting crag).
Ditto of "Kasinoo Karval" (or being sawn alive into two at Benares).
Ditto of being crushed beneath the car of Jugannath.
Ditto of buying of male children by Jain Gorjees (or priests) for the purpose of making them disciples.
Ditto of thuggee sacrificing human beings to Kali Bhowani.
Ditto of fastening hooks into the backs of infants and men, and then whirling them through the air for some time in fulfilment of a vow made to the god Khundoba.

The prejudice against vaccination.

Most of the above practices were carried on under the name or alleged sanction of religion; yet the British Government put them down unscrupulously and with the best of results to society with the strong hand of law. I believe that the disastrous consequences of infant marriage and enforced widowhood are so widespread, are of such magnitude and are so pernicious to society as regards the mental and physical vigour of the parties and their offspring, and are so fruitful sources of crime and misery, that it is the duty of Government to discourage them by some sort of direct legislative interference.

3. One argument in favour of Government interference in the matter of infant marriage is this: that the parent is the natural trustee of the property of his minor offspring, and should he be guilty of misusing or wasting the trust, the Civil Courts interfere to prevent the waste of the same. The law has defined the powers of trustees and guardians whether parents or others, and if the parents have been found to have used their power as guardians of the infants in a way very detrimental to the moral and physical vigour and prosperity of their wards by marrying them while infants, the Government may make some salutary rule, whereby such a state could be prevented. And I believe that if the marriageable age be fixed at 12 for the female and 16 for the male, and that in any case the difference between the ages of the bride and bridegroom as regards the minors, shall not be less than 4, and as regards a minor female and a grown-up male, it shall not be more than 15. Of course it is to be understood that the female, who has attained her majority, should be free to choose her husband for herself.

Enforced Widowhood.—Government have legalized widow remarriages by Act XV. of 1856, but as regards any appreciable or considerable amount of good resulting from it, it has been a dead letter, and has been productive of rather mischief than happiness in the majority of the few cases that have happened under it. For the caste still possesses the formidable power of excommunicating not only the parties contracting such marriages, but also their relations and friends who take part in the ceremonies or have had any sort of intercourse with them.

The influence of this formidable power of excommunicating possessed by the caste is not only confined to the particular caste in which it takes place, but it extends to the rest of the castes among the Hindoo community, inasmuch as the excommunicated parties are virtually placed out of the pale of the Hindu society, who would have nothing to do with the excommunicated parties in the way of giving or taking in marriage, and who would have no communication or intercourse whatever with such parties on occasions such as marriages, caste dinners, funerals and other ceremonies. On funeral occasions the case is most distressing, for amongst the Hindus the dead body must be carried by the friends and relations, or the caste people, or by members of any other caste of the same grade as the deceased. But none of these people would attend the funeral at the house of an excommunicated person or of his offspring, and in that case that duty must be performed by a lower class of people hired for the purpose. This is, in the estimation of the Hindus, the greatest indignity that could be put upon any one.

If this formidable, most pernicious and tyrannical power of excommunicating is taken away from the caste in the matter of widow remarriages by declaring it to be an offence in the caste or any of its members, to excommunicate or join in excommunicating any persons marrying a widow, or taking part in the widow remarriage ceremonies, or having intercourse with parties contracting such marriages, it would be a great boon conferred on the poor widows suffering under it.

From LALSHANKAR UMIASHANKAR, Sub-Judge, Ahmednagar, to the Under-Secretary to the Government of Bombay,—dated 9th March 1885.

As desired in Government letter No. 4164, dated the 13th November 1884, I beg to submit, as follows, my opinion on Mr. Malabari's suggestions as regards Infant Marriage and Enforced Widowhood.

No. I.

Infant Marriage.

Before considering the remedies, I think it is proper to ascertain the real causes of the custom. It is pretty well-known that religion or caste is not the direct cause of the custom In the case of boys the Shastras are particularly against early marriage. People consider it sinful to keep a girl unmarried after she arrives at puberty. But neither the Shastras nor caste interferes if she is married with some special ceremony one or two years after her puberty. The question then arises how the custom of infant marriage, which is so pernicious, and which is not enjoined either by caste or religion, prevails? The following appears to me to be the chief causes :—

1. The family pride. Sooner a boy is married the nobler is considered his family.
2. The parental duty to marry their children to continue the progeny is considered so supreme, that they try to relieve themselves of this duty as soon as possible.
3. The fear that if any bodily or mental defect is found in a boy at an advanced age, it would be difficult to get a bride for him.
4. The desire of ignorant parents and old persons that before their death they should see their children married and enjoy the pleasure peculiar to infant marriages.

5. The notion of social disgrace to keep a girl after puberty unmarried.
6. On account of castes and sub-divisions therein, the sphere of selection is very narrow. It becomes narrower in the case of elder girls. The difficulty of finding out a suitable husband thus increases with the age of the bride. Every parent therefore takes the earliest opportunity to find out a suitable bridegroom. Infant marriage is the result of this competition.
7. In cases where a bride is in fact sold for money, her guardians often, to make their gain sure, celebrate the marriage as early as possible.

The first remedy should be the organization of associations of enlightened Natives to create public opinion against the custom and to make united efforts to effect the reform. Individual efforts have been made with very little success. I give my experience as to united past efforts for the consideration of the suggested asssociations. Twelve years ago, an anti-early marriage association was formed at Ahmedábád, of which Mr. Ambálál Sákarlál Deáai and myself were secretaries. After good deal of discussion it was found that the greater evil was in marrying a boy in his infancy, and that the increase of age in the case of boys would of itself lead to improvement in the case of girls. Accordingly the following affirmation was fixed to be the qualification of a member :—

1. That I shall not celebrate the marriage of my son before he completes his 16th year; or, that I shall see for his wife a girl who is at least 5 years younger than himself.
2. That I shall try to delay my daughter's marriage till as high an age as is not objectionable according to Shastras.

More than 200 persons from different castes and places in Gujarat had become members. Monthly meetings were held, lectures were given, and pamphlets and tracts were issued. A few marriages took place under the rules, but several broke the pledge, saying their caste-members in the association being few they were unable to follow the rules. After a few years, some of the energetic members left the place and the progress became slow. The pamphlets were discontinued and the association is now only a name.

The above experience showed the necessity of making an attempt with an entire caste. While at Sholapur I found that in the Lingáit community, which consists of more than 5,000 inhabitants of the place, and which, though commercial, is very backward in education, marriages were taking place at an extremely young age, sometimes while in cradles, and good deal of useless expense was incurred on such occasions. I discussed the subject with the intelligent leaders of the community, and they adopted some rules (a copy of which is herewith forwarded) and got them sanctioned by the whole caste. I am glad to say that some of the rules have immediately come into force, and I hope all will be followed as occasion arises. Of course the rules are not perfect and do not altogether remove the evils, but to the caste itself it is a good forward step, under the present condition, towards the desired object.

As to the marriage custom all castes and localities do not stand in the same position. In the Deccan where there are not so many sub-divisions among Brahmins, as there are in Gujarat, the sphere of selection is wider and the evil is less. In Gujarat, too, the evil is not so much in the castes in which the brides are scarce. In families that are considered "Kulwan," and in castes where the member of girls is greater than that of boys the evil is much spread. It therefore seems to me that leaders of castes should be persuaded to introduce the reform in their castes by making rules according to their requirements. The caste influence in enforcing the caste rules is very strong. Some castes in several places of Gujarat in consequence of scarcity of brides have made a rule as to whom they should give their daughters, and that is strictly followed.

I believe the social efforts will be much strengthened by co-operation and moral support of Government in the following particulars :—

1. Lessons showing the evils in various forms should be introduced in all Vernacular text-books teaching the 3rd and higher standards.
2. Essays, tracts and books on the subject, should be largely used as prize-books.
3. District officers should use their moral influence and assist the associations in persuading people to introduce the reform; and to express their disapproval; should not attend any infant marriage party or procession.
4. Till 18 years of age an unmarried boy should be preferred to a married one in awarding scholarships.

I do not agree with Mr. Malabári in his proposal of preferring an unmarried candidate to a married one for public service, and to close the University doors against married students.

Females and ignorant guardians do not look to future consequences at the time of marrying their children. Any subsequent obstacle will be of no avail to such people. To those who think of future welfare of their children, the evils described by Mr. Malabári are sufficient to dissuade marrying their children in infancy. The proposed restriction is therefore unnecessary and unjust, because it would punish innocent boys who have already suffered for the folly of their guardians. It would also check the progress of education and would thus do more harm than good. The age of entering into the public service is generally 20 or 21 years. I do not think it to be just and proper to disfavour one who has married at that age.

I am also of opinion that the State should adopt legislative measures to remove this evil as soon as possible. There are persons who say that social reform should take place from within, and that the State should not interfere in it, unless essentially necessary. But this applies to social questions that have no direct bearing on the public welfare. There are questions, for instance, satti, infanticide, slavery, gambling, which though connected with social affairs, affect public welfare so much that the State, as the protector of public welfare, has thought it its duty to take legislative action in them. Had there been no legislative assistance in such matters, society would have been very much demoralized. Even purely social practices, when they become detrimental to others come within the province of legislative action. For instance, custom would allow the use of indecent expressions on Shimga holidays, but law would stop it. The criterion of legislative assistance is thus not whether a thing is connected with social reform, but whether it affects public welfare. I believe no reasonable man will deny that the effects of infant marriages on society are very disastrous. I therefore think that the State as the protector of public welfare is not debarred to take legislative action as to the age question in marriage when it has become a positive evil to the society.

It is said that the evil will be removed when by education public opinion is enlightened. But I am not sanguine about it. There are many educated and enlightened people who acknowledge the evil and yet have celebrated marriages of their children while they were very young. The Brahmos are enlightened, and yet the legislature has thought it necessary to fix the minimum marriageable age in their Marriage Act (Act III. of 1872).

The question then is as to the extent and manner of legislative action. Considering the present state of society, I think the minimum marriageable age of bridegrooms only should at present be fixed at 18 years by law. The idea of getting a girl married before puberty is so strong, and the difficulty of finding a suitable husband is so great, that it would at present be revolutionary to fix the age of the bride. The real evil is in marrying a boy in infancy. With the increase in boys' age, the improvement as to girl's age, I believe, will follow. Even for boys a provision should be made for exceptional cases. I would therefore suggest some provision like the following in the Minor's Act (Act XV. of 1864), which already vests the care of the persons of all minors in the Bombay Presidency in Civil Courts :—

1. No guardian, whether appointed by the Court or not, shall, without written permission of the Civil Court, celebrate the marriage of a male minor before he has completed his 18th year.
2. On the application of a guardian or friend of a male minor, the Court, under special circumstances, after recording its reasons, may permit the marriage before the age prescribed in the above clause.
3. To make these rules effective some penalty should be prescribed for those who are concerned in the celebration of a marriage contrary to the law.
4. The real evil in the case of girls is in the early consummation of marriage. This evil is likely to increase when big boys marry infant girls. To remedy this the age of 10 years mentioned in section 375 of the Indian Penal Code should be raised to 12 years.
5. To receive money for giving bride is condemned both by Shastras and by public opinion. Such a practice should, therefore, be made penal. This will, to a certain extent, prevent a young girl being given to a very old man. I don't think law can do anything else in the matter. Widow remarriage seems to me to be the only complete remedy for this evil.

No. II.

Enforced Widowhood.

Castes, assisted by priests and heads of sects, is the chief cause of enforced widowhood. Many there are who admit the necessity and legality of widow remarriage but they have no moral courage to go against custom and caste.

The social and co-operative State remedies, shown in the case of infant marriage may be tried in the case of enforced widowhood. I may further suggest, that—

1. Vernacular translations of Act XV. of 1856 should be published and largely distributed gratis.
2. Sometimes when police and magisterial officers are themselves orthodox, or seek popularity by favouring the orthodox party, or neglect their duty, the persecution of the remarriage party becomes more. One such case has the practical effect of deterring many who would otherwise have remarried. Government should, therefore, strictly warn the officials to take all precautionary measures to assist and protect the remarriage party in all possible manners.
3. As long as the persecution is very active, Government officers should give preference to remarried candidates in filling up places for which they may be qualified.

As to legislative assistance, I think Government have already done what they possibly can in this matter. Any further legislative assistance must necessarily affect the caste, as that is the chief obstacle to the reform. The question would then be whether, and if so, how far, should Government interfere in caste question? I have not as yet formed any opinion on this point.

In connection with this, a friend of mine has made a suggestion to me which appears to me a good one. It is that the proposed associations should be recognized and registered by law, and that some penalty should be prescribed for one, who, after joining the association in a specified manner, breaks the rules thereof. It may be said that many will not join the association by such a provision of law. But I think it is better to have few members who would adhere to the rules than to have many who would do nothing, and leave the body as any time they please. The rules may vary according to circumstances, but if the associationt be legally bound to observe their rules, the mutual confidence among the members will increase and much good will result.

Translation of Vernacular Papers referred to in the letter from the Government of Bombay,—No. 1112, dated 26th March 1885.

On the suggestion of Rao Bahadur Lalshankar Umiashankar, a meeting of the leading members of the Lingayat Virshaiv Brahman community of Sholapur was called at the house of Rajamanya Reyashiri Mullápa Busapa Vurad on the 3rd December 1884. On that occasion the following rules were framed for the improvement of the people of the Lingayat community, and the same were unanimously adopted by a public meeting of all the people of the community called at Shri Sidhesvar's temple on the 4th of December 1884. The rules which are printed and published for the use of all the people of the community are as follows :—

We, the leading members of the Lingayat Virshaiv Brahman community of Sholapur, having perceived and thought about the baneful influence of some of the customs of our community, have unanimously framed the following rules and agree to abide by the same. No body should act against them :—

1. At present marriages are performed at a very young age, that is even when the parties are below one year and are in their cradles. This is a bad practice. The following rules are therefore made :—

1. A girl should not be married before she has completed her eighth year.

2. A boy should not be married before he has completed his thirteenth year.

3. At the time of marriage the girl should at least be five years younger than the boy.

4. The above rule about the difference of five years in the ages of the boy and the girl is not applicable when the girl has completed her twelfth and the boy his sixteenth year.

5. The above rules apply to marriage ceremonies and not to betrothals.

6. In case any person cannot, for special reasons, act according to the above rules, he should submit a petition in writing to the Panches of the community appointed under the following rules, and the Panches may consider his difficulties and give him such permission as they think proper. Marriages performed after getting such permission from the Panches shall be considered as having been performed in accordance with the above rules.

7. At betrothals, marriages, or on other occasions when *pansupari* is distributed, two betel-leaves and one betel-nut should be given to each person, and sugar not more than a handful should be given to each person.

8. On any of the occasions mentioned in Rule 7, the presents that are to be made should consist of from Re. 1 to Rs 5 in cash, and should not exceed Rs. 5.

9. The provisions of Rule 8 do not apply to the bride and the bridegroom and their parents who may make any presents according to their abilities.

10. On the occasion of any one of the sixteen ceremonies beginning with marriage, the dinner and other expenses should be reduced as much as possible, and contributions to the community's Education Fund should be made on as large a scale as possible.

11. On the occasion of the *Phalshobhan* (marriage consummation) ceremony the parents or guardians of the girl should distribute *shidha* (uncooked food). Other relations should not distribute the *shidha*, and those to whom it may be sent should not accept the same.

12. For educating the children of the community a fund has been created under the name of the Lingayat and community fund.

13. The fund should not be applied to any use other than that mentioned above.

14. On marriage and consummation of marriage occasions, the guardians of the boy and the girl should contribute sums upwards of Re. 1 to the fund. On other occasions they may contribute to the fund according to their abilities.

15. The following gentlemen have been appointed Panches of the Lingayat community with power to add to their number. They should bring the above rules into force and publish every year the accounts of the fund, and do useful things for the community.

Then follow the names of the Panches.

From PURANDHURA, to the Under-Secretary to the Government of Bombay,—dated 13th February 1885.

In reference to your two letters marginally noted, I beg most respectfully to submit my opinion in the vernacular for the information of His Excellency the Governor in Council. The two printed Memoranda are herewith returned, with a request that your honour will kindly furnish me with a copy of the translation of my opinion when made, for submission to Government.

No. 4164 of 13th November 1884.
No. 296 of 28th January 1885.

Endorsement by the Government of Bombay,—No. 687, dated Bombay Castle, the 25th February 1885.

Forwarded to the Oriental Translator to Government with a request that an English translation of the vernacular papers may be furnished to this Department.

Endorsement by the Oriental Translator to Government,—No. 531, dated 18th March 1885.

Returned, together with a translation as called for.

From CHUTTURBHOOJ MORARJEE, to the Under-Secretary to the Government of Bombay, General Department,—dated 7th February 1885.

In reply to your letter No. 296 of 1885, dated the 28th ultimo, I have the honour to enclose herein my views, in Gujerati, in regard to the questions of "Infant Marriage" and "Enforced Widowhood" for the information of his Excellency the Governor in Council.

Endorsement by the Government of Bombay,—No. 520, dated Bombay Castle, dated 26th February 1885.

Forwarded to the Oriental Translator to Government with a request that an English translation of the vernacular papers may be furnished to this Department.

Endorsement by the Oriental Translator to Government,—No. 537, dated 18th March 1885.

Returned, together with a translation as called for.

Translation of a letter from RANGRAO VINAYAK PURANDHARE of Poona, to the Under-Secretary to Government of Bombay, General Department, dated the 14th February 1885.

With reference to Government Nos. 4164 and 286, dated the 13th November 1884, and 28th January 1885, respectively, calling for my opinion on Mr. Malabári's note on Infant Marriages and Enforced Widowhood; I beg to write as follows:—

The marriages of Brahman boys are generally celebrated after they are 12 years old, that is, on their receiving some education after the performance of the thread ceremony in their 8th year, and of Brahman girls between the ages of 8 and 12 years. No infant marriages are therefore celebrated among Brahmans.

No widows are forced to shave their heads, but the shaving of a widow's head being a religious practice, widows get their heads shaved of their own accord and lead a single life. Those classes of Hindus who allow widow marriages are not prohibited by the Shastras from marrying their widows, but those who do not allow the same are prohibited from marrying their widows by the Shastras and by their social customs. Any widow of these latter classes who goes astray and gets issue is outcasted, but she and her issue can join the *sankar* or mixed castes that already exist. All this is in accordance with the religious and social practices of the people, and I am clearly of opinion that there is no necessity for Government interference in the matter. Government have also given their pledge not to interfere in such matters. The people fully believe in this pledge, and there is also an old saying to the effect that the Kings' speak only once. I hope Government will not therefore break their pledge and force the people to act against their own religion, for which, on account of its antiquity, they have the greatest reverence. I request that I may be supplied with a copy of the English translation of this paper that will be submitted to Government.

Translation of MR. CHATURBHOOJ MORARJEES, views on Mr. B. M. Malabari's notes on Infant Marriage and Enforced Widowhood.

Widow Remarriage.

Remarriage [of widows] is expressly prohibited by our Aryan religion. There are only two duties enjoined for widows, the first is "*Sayyapalana*"* and the other is *Anugamana*.† Of these two, *Sayyapalana* is the chief one. *Sayyapalana* only has been enjoined in the *Smritis* of Manu and others. It is therefore desirable that *Anugamana* should be stopped in these modern days. This putting a stop to the practice of becoming Sati should therefore result in the observance of *Sayyapalana*, and not in remarriage.

*? The word literally would signify falling away from bed, *i. e.*, celibacy.

† Dying after, as of a widow.

If widows strictly observe moderation in diet, &c., as has been enjoined in the Shastras and their relatives both on their father's and father-in-law's side insist on the observance above referred to, the possibility of immorality being practised, more especially of infanticide, ceases at once. The Aryans should themselves see that the precepts above referred to are observed by widows. It would be well if any provision were made for the maintenance of widows. The practice of depriving woman of her money is strictly prohibited in our Shastras. It will not therefore be contrary [to the Shastras] if it be decided that such money should be reserved for her use only. It is proper that the several castes should be allowed perfect liberty to make arrangements among themselves in social and religious matters. It is not desirable that there should be any legislation in the matter; Government should not therefore interfere therein.

Government have not hitherto legislated in matters pertaining to religion. Her Majesty the Queen-Empress's Government have, in their proclamation, expressly laid down that there shall be no interference in religious matters. All Hindus will never be unanimous in acknowledging the necessity of [widow] remarriage, and will never be glad if any Act is passed legalising widow marriage. I have above stated that the subject under notice is not one for State legislation. There is therefore no necessity of considering the form of legislation proposed by Mr. Malabari.

Infant Marriage.

Marriage between persons that have not attained puberty is Infant Marriage. The defects pointed out by Mr. Malabari in the custom of Infant Marriage seem for the most part to be well-founded. But Mr. Malabari's assertion that the existence of young widows is to be ascribed, to the practice of infant marriage is not correct, since it cannot be supposed that husbands would not die, even if marriages were to take place at an advanced age.

Among the Aryan people marriages are celebrated between the 8th and the 12th year in accordance with the rules prescribed by the Shastras, family custom and practical sagacity. This is just. Some persons marry their daughters before the latter have completed their 6th year. But this is contrary both to the Shastras and usage, because they cannot enjoy connubial happiness. The daughter also remains ignorant as to her duties with regard both to her father's and father-in-law's family.

It is quite improper that marriages should take place after the 12th year. Because the merit that proceeds from *Kanyadana* (*i.e.*, the act of giving away a girl) cannot be acquired if a girl attains puberty before her marriage. Both the giver and the receiver of such a girl commit sin, and her virginity is tainted with immorality. Marriage should therefore take place before puberty. It is by no means improper to fix the marriageable age of males at 16.

Translation of a paper on Infant Marriages and Enforced Widowhood, written by Ram Shastri Dikshit Apte of Poona, dated the 15th, 26th February 1885.

Mr. Malabari, who is a Parsi, cannot be expected to be conversant with the abstruse Hindu Shastras, and there seems no reason why he should have proposed to Government a measure interfering with the religious practices of the Hindus, and especially those of the Brahmans, and why Government should have taken any action in the matter. God has given to every caste its own rules of religion which go to regulate the conduct of those composing it. Such rules can be discussed only by those to whom they concern, and not by others. The Parsis themselves would never allow a stranger to interfere with their religious practices, and the Government also would not approve of such a step. However, as Government have been pleased to call for my opinion whether there is really anything in the proposal that would be conducive to the happiness of the people concerned, I beg to state my opinion as follows.

In the times of former Governments, marriages of boys and girls were performed in the same way as they now are; but the people then possessed strong bodily constitutions and lived long. In those times there existed the undivided family system, and only one member of a family had to look after the maintenance of the whole family, while the others led an easy and quiet sort of life. This state of things was possible, as in those times the people enjoyed landed hereditary incomes; but such not being the case now, one man cannot provide for the maintenance of the whole family. Families have thus been divided, and every man has now to bear the burden of maintaining his own family. To earn a livelihood, the chief resource now left to the people is (Government) service which he can enter only after studying the English language and passing certain examinations. The trouble and anxiety consequent upon these tells upon the constitution of the younger generation who thus become weak and subject to disease. This is the cause of the people's weakness; and infant marriages have nothing to do with it. Because, though infant marriages are now celebrated, the same are not consummated until both the husband and the wife have attained the age of maturity. The difference between the ages of the two is also in many cases not inconsiderable.

Parents spend as much money as they can to see that their children enjoy good health. No other persons would be as careful about the children's health as the parents are.

Mr. Malabari proposes that boys should be married between the ages of 15 and 20 years, and girls when they are 12 years old. A reference to the Shastras (1 Nirnaya Shindhu, 2 Sanskár Mayukh, 3 Sanskár Kaustubh, 4 Prayog Páriját, 5 Mitakshara, 6 Smrityarthasár, 7 Madan Páríját, 8 Paráshar Madháo, 9 Sanskár Ratnamála, 10 Kálanirnya, 11 Purushártha Chintamoni, 12 Asháradinakarodyot, 13 Piyushadhára, 14 Jyotirniband &c.), shows that a boy can be married after he is 11 years old and till youth lasts; and that for the marriage of a girl the 5th and 6th years of her age are not proper, that the 7th, 8th, 9th, and 10th years are proper, that the 11th and 12th years and the further period till the appearance of the menses are improper, and that they cannot be married after the menses have appeared. "The girl who sees the menses in her father's house (before marriage) is impure; her father is guilty of *bhorúnahatya*, that is, the killing of the embryo. She is considered to be a *vrishali* or shudra female. The Brahman who marries her is weak in intellect; no trust should be placed in him, and nobody should dine with him, and he should be considered as the husband of a shudra woman."

Mr. Malabari's proposal is therefore quite contrary to our Shastras. Boys are now generally married between the ages of 13 and 18 years. The difference between the ages of the husband and wife is also great. Besides, by marriage is meant only the marriage ceremony.

This in itself would not cause over-population, and consequent poverty of the people. The consummation of the marriage takes place only after the appearance of the menses, which generally depend upon the girl's age and constitution.

The marriage vow which is taken by the boy, is simply that he would not be faithless in any way to his wife, and is in no way difficult to be understood by him.

The Shastras do not sanction the marriage of an old man with a girl. Youth and good health are the chief requisites of a bridegroom. It is stated in the Práyaschitta Hemdári that a man above 50 should not marry. The bride should always be younger than the bridegroom.

Mr. Malabari's objections to infant marriages are groundless. Government by making any law for admitting only bachelors to the examinations or the Government service will be interfering with the religious practices of the people and will be doing an act of oppression. Besides, young men compelled to remain unmarried when they are in want of a wife will be subjected to different diseases, and their children will afterwards be weak and diseased. This will be a source of misery to people. I am therefore of opinion that Government should not take any action in connection with this matter.

The Shastras do not sanction the marriage of a widow, but, on the contrary, they prohibit it. They prescribe certain remedies to avert unseen causes which bring on widowhood, and by attending to them before a marriage takes place, much of the present misery consequent upon widowhood would be avoided. Still if any woman owing to her sins in past life happens to become a widow, she should, by leading a life of abstinence, wash off her sins and thus secure permanent happiness in this and the next lives. If she remarries, her sins will be accumulated, and there is every possibility of her again losing her husband and of her again becoming a widow in this life as also in the next lives.

The statement that the Government have already interfered with the religious practices of the people when they suppressed infanticide, and put as top to the people's killing themselves under the car of Jagannath, is not correct. Infanticide is not ordained by the Shastras, but is considered a sin, and Government were therefore right in suppressing it and in no way interfered with the religion of the people; killing oneself under the car of Jagannath was not also a religious practice. It is true that Government interfered with the religion of the people when they suppressed *sati*, or the burning of widows on the funeral pile of their husbands, but this was before the 1857 (? 1858) Proclamation, which publicly declared the Government policy of non-interference. Moreover, there was the other alternative of widows leading a life of abstinence, and *satis* were rare, being one in a lakh or even a crore in every year. This was again not a deliberate action of the widow, but an impulse of the moment, and gave much pain to the relations.

It is not correct to say that the sovereign, being a woman, should remove the miseries of the womankind by encouraging widow marriages. The sovereign is in the position of a father to her subjects, and must see that they observe the practices ordained by their religion If therefore the miseries of the womankind are to be removed by the sovereign, the widows should be forced to lead a life of abstinence and be prevented from having recourse to marriage which in their case meets with the disapproval of all. The total Hindu population, exclusive of Brahmans, amounting to about one crore and thity-seven lakhs, does not object to widow marriage, but among them also few such marriages take place, and the married widows and their children are not generally shown the same respect which they would otherwise deserve. Widowhood, under the circumstances, must be enforced by the sovereign. By proposing to encourage widow marriages, Mr. Malabari contradicts himself in what he says regarding over-population and consequent poverty of the people, brought on, as he says, by infant marriages. He lays particular stress on his statement that the prohibition of widow marriages was introduced only in the *Kaliyug*, but he does not know that the smritis have their foundation in the Vedas. Before giving this opinion, I called two public meetings of my caste people to consider the question, and found that they all agreed with me. Any interference therefore in this matter on the part of Government is sure to be looked upon by the people as an act of oppression.

Oriental Translator's Department, No. 541, dated 18th March 1885.

Translation of a reply from MR. GOVINDRAO BABAJI JOSHI of Baroda, to a letter No. 4474 bearing date the 5th December 1884, from the Under-Secretary to Government of Bombay, General Department, dated the 6th, and received and ordered to be translated on the 9th February 1885.

I duly received your letter of the above date and number with Mr. Malabari's paper on "Infant Marriage and Enforced Widowhood," enclosed for my opinion.

It does not appear from the Hindu law books that the custom of early marriage existed in ancient times. If it were therefore asked as to how the custom originated, it appears to me that it must have come into vogue under the Muhammadan rule. In those times journeys to distant places were attended with dangers, and people must have been obliged to give their daughters in marriage in their own or neighbouring villages, instead of seeking alliances for them in remote parts of the country. In course of time, the anxiety on the part of the parents to secure suitable matches for their sons and daughters in their limited communities may have led to the practice of early marriage, which, gradually moving along the stream of time, has extended to our own period.

The evil practice of marrying away boys and girls at tender ages, which prevails among our people at the present time, is doing serious mischief to society. The children that are born of such marriages are necessarily weak, and in many cases, even succumb to an untimely death. It cannot be denied that the attention of the people has latterly been directed to these evils. For the last twenty-five or thirty years this subject has been discussed in great meetings of people and in large books. Some of the persons engaged in the discussion of the subject have already seen sons of their sons. Though such is the state of things, yet it is extremely lamentable that they do not seem to think seriously of making any improvement with regard to this evil custom in the case of the marriages of their own children.

Nor is the condition of our widows any better. The educated men of the present day, who think it highly desirable that the practice of widow-marriage should be introduced among the prohibited classes, while addressing meetings of people, say " the poor, helpless, widowed girls are absolutely undone; their distress and hardship are horrible even to contemplate; the butcher cuts the throat of an animal but once, and the consequent pain and torture are over in a moment once for all, but the unceasing sufferings of the destitute widows are life-long;" and a deal of talk of this kind. Should, however, early widowhood be the lot of one of their own daughters of tender years, not a single one of them hesitates to wipe off her *kumka*,* to break her bangles and get her head shaved. Thus it will be seen that matters have come to a mournful pass.

* The auspicious mark of red powder on the forehead of married Hindu women.

Why is this difference between our word and deed? This is the question of questions which demands our best consideration, and the answer to it, according to my mind, is that we have not yet advanced far enough to act up to our professions.

Children in their first endeavours to walk frequently meet with falls, and at such a time their parents holding the little ones by the hand, teach them to walk. Similarly this country is at present in a helpless state of infancy.

From very ancient times preceding the British rule, the course of Government in this country has been this, that the King shows the way and the subjects simply follow it. And this is the reason why the people of this country are so much attached to their sovereigns, and pay them divine reverence. I admit that by the spread of western knowledge among our people, a small proportion of them are now beginning to distinguish, in a small measure, between the rights of the crown and the rights of the people. Still we are not yet so far advanced as to act for ourselves in all things. Therefore interference from Government seems desirable to guide us aright.

The views of Mr. Byramji M. Malabari on the subject in question, as expressed in his printed paper, are sound and considerate, and therefore Government will be pleased to assist us in the way recommended by him.

Agreeably to my profession, which is to give public lectures, I have written a few words on the subject under consideration, and copies of the paper have been sent to certain persons at different places, with a request that should the views put forth therein meet with their approbation, their opinions on the same may be submitted to Government. I therefore humbly beg to suggest that a reasonable time should be allowed for an expression of such opinions before the final decision of Government is given in the matter. Four copies of the said paper are herewith forwarded for Government.

From Atmaram Pandurang, to the Under-Secretary to the Government of Bombay,—dated 18th March, 1885.

In reply to your letter asking my opinion on Mr. Malabari's "Notes on Infant Marriage" and "Enforced Widowhood," and certain proposals therein made, I beg to state

that all reforms of the kind must come from within the society to be reformed, and if any legislative enactments be found necessary to carry them out, the demand for them must proceed from the community itself; in other words, the desirability or the necessity of the reforms must be felt or acknowledged by the community, and legislation resorted to for removing minor difficulties in carrying them out, and not for thrusting them on a reluctant community.

2. As I believe ignorance or want of education is the chief cause of many existing social evils, any proposal which tends to hinder the progress of education in any way is not desirable, and I look in this light to Mr. Malabari's suggestion to prohibit the admission to the matriculation examination of young men who have been already married. If the University, however, could be prevailed upon to withhold from granting prizes and scholarships to married students as some seemed disposed to propose, I believe it *may* do good without hindering the progress of education itself. Mr. Malabari's second proposal to limit the admission into public service to unmarried persons seems to me to be open to serious objection in more respects than one.

3. It is to education, and chiefly to female education, we are to look to for the removal of the evils brought to the notice of Government by Mr. Malabari, and so no encouragement that can be given to it can ever be considered too much, and for this reason I would like to see boarding schools for Hindu girls receiving higher education on the model of the one opened, I believe, in connection with the Bethune Institution in Calcutta established in large towns.

4. Much can also be effected, I believe, by the exercise of personal influence by the officers of State from His Excellency the Governor downwards, on heads of castes and leaders of native society to facilitate the introduction of the required reforms in their several communities. I have already indicated that I am opposed for more reasons than one to the use of *official authority* in any way to help reforms, but I think there can be no objection to any officer who is so minded exercising his personal and social influence in that direction, and as an illustration of what I mean, I beg to refer Government to the line of conduct followed in such matters by so high and judicious an authority as the late Sir J. Malcolm, as described in Vol. II. of his Memoir of Central India, 3rd Edition. Referring to the practice of self-immolation among men, he says in foot-note I. at page 209 of that volume—

In speaking to those Natives who enjoyed superior rank and station under the authority or control of the British Government, I have always expressed my horror at self-immolation, and my hope that through their influence in society, and their desire not to outrage the feelings of their European superiors, it would in time be abolished. But with regard to infanticide, I have ever, when it was mentioned, stated my abhorrence of the murders that were committed under the plea of this usage, and refused to see those that practised it. Such sentiments were never found to give offence.

Again, in reference to the practice of sutti and infanticide, he observes in his notes of instructions to his assistants and the officers acting under his orders in Central India (page 461 of the same volume)—

You cannot interfere in the prevention of either of these sacrifices beyond the exercise of that influence which you possess from personal character, indeed to attempt more would be at the hazard of making wrong impressions and defeating the end you desired to attain. Praise of those who abstain from such acts, and neglect of those who approve or perpetrate them is the best remedy that can be applied. It is the course I have pursued and has certainly been attended with success.

5. I believe much unreasoning opposition to progress would lose some at least of its force, if high European officers who feel any personal interest in the subject were to imitate this spirit of Sir John Malcolm in their personal dealings with Native gentlemen of position and influence in their society. As regards the present case, I may observe that the mere fact of Government asking for opinions on Mr. Malabari's "Notes" has so far influenced some of those who were fiercely opposed, for instance, to widow marriage, that they freely allow themselves to be talked to on the subject of the marriage of widows, and admit that the matter is worth considering. I may also mention that some of those gentlemen, who only a few years ago would not tolerate the presence of a respectable remarried Hindu lady at Government House, simply because she was a widow before, do not now feel any such objection to her presence, and the change of feeling is due to the sole fact that Government do not think the worse of a respectable Hindu lady for her remarriage, and in their invitations to Government House make no distinction on that account. I therefore believe that, as observed above, much unfounded prejudice and unreasoning opposition can be overcome in this manner.

From Uttamram N. Mehta, to the Under-Secretary to the Government of Bombay, General Department,—dated 18th March, 1885.

As requested in your No. 4164, dated the 13th November last, I have the honour to submit my views on the paper of Mr. B. M. Malabari, and the proposals therein made.

Infant Marriage and Enforced Widowhood.

It is admitted that the custom of infant marriage is baneful in various ways, and it is well to reform it. It is the duty of every educated Native, and to some extent of the British officers of Government, to discourage it.

There are many difficulties to eradicate the custom at once, and they arise from the following facts:—

I.—That it has become a custom of a long standing.

II.—That the Hindus are conservative in their character, and they would look upon any reform as an innovation, the acceptance of which would degrade them.

III.—That the masses of people, and particularly the females are ignorant. This makes them stick to what has descended to them from their ancestors.

IV.—That the Hindus are divided into many castes, each caste being a society in itself, beyond which its members cannot venture to form marriage connections of their sons and daughters.

The first drawback will disappear when people will fully realise the evil consequences of infant marriage.

The second will yield to the influence of education, and to a greater and increasing intercourse with Europeans; and it will take time before people will change such a character which has been formed under the operation of circumstances existing for ages.

The fourth is a peculiarity in the constitution of the Hindu community. It will remain for ages. No wise Government will ever seek to destroy it by an exercise of its authority.

The third drawback is the only one which will admit of a remedy. It is within the power of Government to spread education, and even to make it compulsory. In its efforts to spread education the philanthrophic, the benevolent, the wealthy, and the educated should necessarily co-operate with Government which has done a great deal. Much however still remains to be done.

Female education requires particularly to be developed. At present it is in its infancy. The proportion of girls attending schools to others is infinitely small, still smaller is the proportion of the educated females to the uneducated; the latter, being in enormously large majority, are able to exercise a preponderating influence in social matters. Even the educated often fail in their efforts at reforms, first because of continued and constant domestic discords which would arise if they insist upon carrying out their views, and secondly because they find within their limited castes, difficulties to secure boys and girls of good families of advanced age to whom they can marry their daughters or sons.

As for female education, it may be urged that much can be done. Every talooka town ought to have a good girls' school. Government officers, Native and European, should consider it as one of their duties to visit such schools in their districts, and provision be made for distributing small but many prizes twice a year, and for a few small scholarships to be given to regular and advanced pupils. Native gentlemen ought to be encouraged by Government and their officers to help the cause of female education by their personal efforts, or by endowments and benefactions. Native gentlemen who evince a great interest in, and materially help female education and other reforms, may be considered worthy of some honour, such as nomination to the taluka or local board, or to some title of distinction in special cases.

Most of the school committees now existing are merely nominal. They, in fact, do nothing in the interest of the schools or of education given in them. These should be re-organised, and formed of persons who would take interest in education. They should submit a report of their work twice a year to the Assistant Collector in charge of the taluka, who should hold a a meeting with them once a year and record his opinion on their work. Such a measure will give an impetus to education.

Masters of vernacular schools in small towns and villages should be encouraged to attach a class or classes to their schools for the education of girls, by offering a fair allowance for the efforts of such masters as succeed in forming and maintaining such classes in a state of efficiency. Adequate provision should be also made for teaching such classes.

Education is a very potent agency in social reforms. Reforms such as are proposed in the custom of infant marriage and the introduction of widow marriage will be properly carried out under the influence of education. To attempt a change in the present customs at once would be a Herculean and disagreeable task likely to provoke resentment on the part of the people, as they were formed ages ago and maintained under varying circumstances and people have conformed themselves to them. However, under the present state of things they have

begun to be felt inconvenient and deterrent in progress, and the Hindu society is gradually conforming itself to a change in the circumstances of the age.

On a careful study of the progress of reforms among the Hindus within the last 20 years, it will be seen that an improvement has taken place among the educated Hindus in the custom of infant marriage. It being almost impracticable to carry out their views fully under the difficulties pointed out above, educated men, as a practical and reasonable solution under the present state of things, do arrange in a great many cases marriage of bridegrooms five or seven years in advance to brides whom people do not generally allow to remain unmarried after the age of ten years.

But as we have not sufficient statistics to determine whether the progress is slow or rapid, and whether any further action is necessary to expedite it, it will be well if Government issue orders to the Educational Department (to be applied also to schools receiving Government grant) to have an entry in the school register as to whether the pupils in the schools and colleges are married or unmarried, and the age of the former at the time of marriage, and a statement be prepared every year showing the number of married and unmarried pupils at several ages, and published in the Report on Public Instruction or separately every year. Such a measure will be a means of obtaining reliable information regarding the progress of reform in this particular, and the public will then see what progress will have been made in the next decade or two, and whether the evil be of such an enormity and character that there will be no hope of remedying it without some action of Government.

Ordinarily, however, it is advisable that Government should not exercise any interference in the matter of infant marriage and of enforced widowhood; for if it does, the action, whether it be direct or indirect, will be viewed by most of the Hindus as a measure calculated to deprive them of their social freedom in both these respects, and as beyond its proper scope.

Government officers will do well to help a reform in the custom of infant marriage, as also in the marriage of widows by their moral influence. If there be any associations formed for putting down the evil, they may sympathise with their efforts either by becoming members thereof or by taking interest in them as they do in many other matters of reform. And we owe much of the small measure of success which we have achieved in female education, and a few other minor reforms, to the disinterested efforts and help of many British officers and gentlemen. For instance, if the Collector of a district or a Revenue Commissioner, or a District Judge, or a similar officer preside at a public meeting of an association such as mentioned above, he will lend a great weight to the importance of the cause. A benevolent and wise Government like the British will be able to do much in that way.

Most of the Hindu customs have a religious bearing. Most of the Hindus believe them as enjoined by their scriptures. To tell them that it is not so, or it is the interest or the freak of the priest that has imposed the customs of infant marriage and seclusion of widows upon the Hindu community, would be revolting and repugnant to the orthodox who far outnumber the enlightened. Such a method will thus fail. It will simply estrange the people from the cause. But if the sympathy of the Hindu church can be enlisted in favour of the movement against both the customs, that will materially help it. I do not quite see how Government can effect this. It can however do something. It may assign a recognised status to those heads of sects who would deserve it by a marked interest they would evince in this and similar other movements for social reforms, and that Government may notice their efforts with approbation in their administration reports or in some other way.

The co-operation of Native States will materially help these reforms. The advice of Government to them will be sufficient to ensure the wished for result in course of some time. As many of the Native States belong to the Hindu Chiefs and Princes under whose patronage many of the religious institutions are maintained, their wish expressed in behalf of the reforms to the heads of sects, will expedite their introduction on a sound basis.

It would be an unwise policy to revile the priest when his sympathy and co-operation ought to be secured. He has a certain influence over the Hindus which ought to be utilised in smoothing the way rather than in making it an instrument of opposition by provoking him. As a rule he is opposed to the remarriage of widows, but he is not so unreasonable as he is supposed to be. He does not, and will not, take pride in carrying out his point against reformers if he is properly treated and persuaded by them. He is often in the same boat with others, and appreciates the hardships resulting from the custom of enforced widowhood.

There is a concurrence of opinion that reform should be first made in the custom of infant marriage. When that is effected, it would be followed by a great improvement in the physique of the people of the succeeding generations. Premature deaths would not be then so numerous

as at present, and the chances of widowhood would be minimised. It would also be beneficial to the people in many other ways. It would then be worth while, in the opinion of many, to attempt the solution of the other question. By the time that this reform is carried out education and civilisation will have made a great progress among the Hindus, and they themselves in large numbers will be willing to reform the existing custom in regard to widowhood.

As a remedy against infant marriage, Mr. Malabari proposes that Government may shut out married men from higher educational institutions and from University examinations, and may select unmarried in preference to married candidates in filling up places in Government service five years hence. With regard to this, it may be urged that such an action would be an unjust one; it would be an infliction on the men of the new generation without any fault of theirs, and it would be very wrong to deny them the benefits of education and make them martyrs for a custom which has been existing for a long time past; the consequence would be that a large number of Hindu youths who would like to receive education in high schools and colleges would be refused admission into them; this would retrograde the cause of education among the Hindus, and with it their reforms and rise. If Government were to announce that it would take such an action 20 years hence, it would not be injuriously felt by many high caste Hindus who appreciate education, and who look upon Government service as their legitimate profession, but it will not much deter Kunbis and trading castes, who generally stick to their ancestral occupation, from infant marriage.

The means suggested above for the prevention of infant marriage would prove equally good for the introduction of widow remarriage. These, I repeat, should be (1) the formation of associations for its consideration, and for that of the means to be adopted for it; (2) the co-operation of the Hindu church; (3) and of the Hindu States; (4) the moral support of those who are in authority; (5) the efforts of the educated, the influential and the wealthy, and (6) the great spread of education among the males and females.

The solution of the question of the remarriage of widows is more difficult than that of infant marriage as (1) it is alleged that the Hindu scriptures prohibit it; (2) it would give rise to jealousy and consequent quarrels, and (3) it would encourage married women to treat the marriage tie as not very binding, and so they would try to be severed from their husbands on insignificant grounds, and if they fail in that they would even go to the length of poisoning or killing their husbands. Though these objections may not appear to be sound to others, they are so to a high caste orthodox Hindu. All his feelings and habits are against it. The question ought therefore to be treated with a greater tact and care in order that its solution may be accepted by the people at large.

The Hindu household is proverbially noted for its peace and contentment, but it would be a scene of disturbance and discord if any hasty steps or authoritative action be taken for a solution of the widow remarriage question. Moreover, such a cause will destroy the present social fabric of the Hindu society.

Mr. Malabari suggests, as a preventive against wedding an infant girl to an old man for money, that Government should rule that the money received should belong excusively to the girl, and not to parents and relations, and the amount deposited in her name and for her use only. This is a good suggestion though it would save but a few women from widowhood, as such cases are rare, but, if adopted, it would not check such transactions unless they were made penal; but at the same time it is worth considering whether it is the business of Government to pry into nooks and corners of the domestic life of the Hindu. Besides, these transactions are carried out with so great a secrecy, that even the near relations and the brides themselves are generally kept in ignorance of them. Mr. Malabari makes four suggestions for widow remarriage.

The first of these would make the remarriage of widows in minority compulsory upon their parents or guardians, and they must give them away before they attain the age of majority and before they provide for their marriageable daughters. This is the only interpretation which can be put upon the suggestion recommended, for widows on becoming of age are free to remarry if they choose to do so, and do not care for the opinion of the caste. This rule seeks to make provision for widows to the prejudice of maids, some of whom at least will have to remain unmarried until all the minor widows in a caste are disposed of. This is a difficulty, the gravity of which will be intensified when the maids are equal to or outnumber the marriageable men. In illustration of this it may be stated that the caste of the Surat Kaestha is more advanced in education, and in social reforms than others. Many of its members are in favour of widow remarriage, but they are deterred from carrying out their views by the fact of the girls being in excess of the marriageable boys and men. Difficulties like these cannot be realised

by those among whom there is no distinction of caste, and it appears that Mr. Malabari has overlooked the fact that the Hindus marry within their own caste.

The widow remarriage is prohibited in a few high castes of the Hindus. It would place the parties contracting it in some difficulty, because the caste will not keep any social intercourse with them and it can do nothing further; but the difficulty will be reduced to nothing if there be a number of remarriages in the same caste, even though the parties be estranged from it; but if there be a few remarriages in different castes that will not remove much of the difficulty, because they would not like to assimilate. The constitution of the Hindu caste system is such as would not admit of an easy assimilation. Men of high castes, as for instance different Brahmins, would not like to be united together into one caste allowing intermarriages, though they usually dine together and have almost the same customs, usages, and mode of living, and they are of the same "Gotras" (lineage).

In castes in which the number of maids is equal to the number of bachelors, it will be difficult to provide for widows, because men would naturally prefer to marry maids.

Government has done what it should in recognising the remarriage of widows as legal.

The second suggestion would not advance the cause, but, on the contrary, it would cause an amount of vexation to many a poor Hindu family. If it be adopted, it will be necessary to enquire into suspected cases for ascertaining whether the widowhood is voluntary or against will; if the latter is found to be the case, and such cases be registered, that would lead to no good unless arrangements be made at the same time to provide them with husbands. The question that would then suggest itself as a logical sequence is this, would Government undertake to secure proper husbands for widows willing to remarry, or exercise compulsion on their parents or castemen to do so? This would be beyond the function of Government. The business of making such inquiries must be entrusted to some department of the State, and would in the ordinary course devolve upon the police, and this must throw open the private residences of the Hindu families to them and lead to the evil of exposing widows to be interviewed and questioned by the police as to whether they are willing to remarry. This would be an infliction in their bereavement as they, according to the strict usual practice and the instinct of their sex, would like to be farthest from the approach of strangers and especially of the police; apart from the annoyance and vexation resulting from the above procedure, it may lead the people to offer bribes to avert such visitations.

The third suggestion is unnecessary. No one deprives widows of their right to complain. Their position will always be that of a complainant. In cases of hardships, such as loss of liberty and persecution, the existing law makes ample provision for a redress of wrongs and provides the helpless complainant with the help of a counsel. Government may forego stamp-duties, &c., in furtherence of what action it has taken for the legality of remarriage of widows.

The fourth suggestion is equally unnecessary. It probably has arisen from a misapprehension or ignorance of the facts on the point. It is not the business of the priest to excommunicate the transgressors of caste rules or customs. In exceptional cases he influences the castemen to pass interdicts or revoke those passed by them, but in all cases the interdict is passed by the caste-people, and it is not extended to the relations and connections of the parties put out, even for a grave offence, unless they dine with them or allow them to live with them; nor would they render themselves liable to an excommunication by sympathising with or helping them indirectly. If any number of them in siding with them choose to estrange themselves from their caste, they can do so without any annoyance or molestation from it. It will thus be perceived that the priest has no voice whatever in the business of excommunication, but the caste only has the sole power. This suggestion, if extended to the caste, would place it under a disability similar to that which has been sought to be placed on the priests, and the effect would be that Government should dictate under what circumstances a caste can excommunicate. In that case Government would be expected to hear appeals on the decisions of the caste in regard to excommunication. The suggestion, if adopted, would result in an assumption by Government of the authority which properly belongs to the caste, and in an uncalled for interference in its functions; such a step without the concurrence of the caste and against its will and intent would be inexpedient and impolitic.

Even if Government were to lay down that the remarried parties should not be excommunicated, it would be difficult to put into operation such a ruling, because Government cannot compel people to dine and to have social connection with those with whom they have no mind to do so. Excommunication consists in withholding such an intercourse from the parties excommunicated.

The fact is that the masses of the high caste Hindus are practically against the remarriage of widows, though a great many of them speak in its favour. About 30 years ago the public opinion was so strong against it, that no one dared to speak publicly on the subject

while they can do so now freely and without molestation. This is a step in the direction of the practical solution of the question. If things go on as they have in the course of the last 30 years, there is a hope that in course of time the reform now recommended will be carried out by the people themselves.

The females are more opposed to remarriages than the males. They look upon it with abhorrence, as an innovation against custom, practice, and the general feeling of the high class Hindu community. This is to be attributed to a want of education among them.

The impracticable nature and the undesirable effects of the proposed suggestions under the existing state of the Hindu society have been pointed out above. The most proper and effective, though somewhat slow, way to carry out these reforms would be through the agency of education which should therefore be spread, and other measures such as have been mentioned above to facilitate the reforms, be initiated by the people themselves. Government should help them by its moral influence. Remedies should come from the people themselves rather than be forced upon them by the authoritative action of Government; they will then have this benefit that they would be in conformity with the state of the people and their feelings.

Considering all the circumstances, it may with due deference be suggested that it will be well if Government express its sympathy with the subjects under reference, and that it will be pleased to see that practical action is taken under the leadership of Native gentlemen in a proper spirit, and consistent with the requirements and the state of things in the Hindu communities concerned.

From Hari Raojie, to the Acting Under-Secretary to the Government of Bombay (without date).

With reference to your letter No. 4164 of 1884, General Department, dated 13th November 1884, forwarding a copy of the notes on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari, and requesting my views thereon, I have the honour humbly to submit them, with the hope that they will meet with the favourable consideration of His Excellency the Governor in Council.

Though I am not prepared to vouch for everything Mr. Malabari has put forth in his notes Nos. 1 and 2 in connection with the subjects of "Infant Marriage" and "Enforced Widowhood" (for in some points he seems to exaggerate facts), there is no doubt that they have been the long-complained-of evils of the Hindu society. The state of things described by Mr. Malabari existed about 30 years ago, and if we take the trouble to go back, and take a view of the then state of Hindu society, we shall have the satisfaction to find that the society, under the benign rule of the British Government, has taken great strides in the way of ameliorating its condition. Infant marriages are now-a-days less frequent than before, and enforced widowhood is comparatively the lot of fewer women. I have held discussion on the question under consideration with many gentlemen fit to give their opinion, and they are unanimous in thinking, with me, that the institution of widow marriage, once looked upon with such horror, is now gradually finding favour with, and even heartily supported by, a majority of the Hindu society, and that though they have not *yet* attained the moral courage to declare their approval of it *openly*, it is more than probable they will soon do so. The contempt in which it was once held is certainly dying away, and I am persuaded that in due course of time all will approve of it and give it fair play. I think that Mr. Malabari would do well to appeal to the prominent members of several communities and ask them to form associations would more effectually secure his aim. If, on the contrary, Government set about removing the evil, such a step would be universally by the Hindu society considered a positive interference with the religion and time-honoured customs, and instead of achieving the desired effect, would bring down dissatisfaction, if not absolute opposition. It would find no echo in the hearts of the people, and what they will be otherwise ready to *encourage*, they will positively *discourage*. No evil that has long existed in a society can be rooted out *at once* or by *Government pressure*. The educated classes of the Hindus have not been blind to the evils conspicuously set forth by Mr. Malabari, as by some others before him, and they have been, though slowly, yet surely working their way to the ridding of them. It is hoped that if left to themselves, they will ere long succeed in eliminating the evil institutions which have been the curse of the Hindu society for many years.

From Ambalal S. Desai, to the Under-Secretary to the Government of Bombay, General Department,—dated Baroda, 23rd March

I do myself the honour to acknowledge your letter inviting me to express my opinion as to the proposals made by Mr. Malabari, in his notes on Infant Marriage and Enforced Widowhood.

With your permission, I would confine my observations in this communication to the subject of Enforced Widowhood.

I may at the outset state that, Mr. Malabari's eloquent appeal commands my earnest sympathy and respect. I think, however, that he has not realized the true extent of the evil.

It is much less than he has described. Speaking of Gujarat, I may safely assert that it exists in a very small degree among the agricultural classes, who form the main bulk of the total population. It is in the urban communities—the Brahmins, the Banias and the kindred classes—that widowhood is enforced as an institution. Even among them, the number of cases of females that are condemned by custom, prejudice, social tyranny and the like to life-long misery, and whose age may excite compassion, is very small. I believe that census reports will bear out these remarks.

My object in introducing these preliminary matters is that the limited nature of the evil may be constantly kept in view in weighing Mr. Malabari's proposals, on which I now proceed to express my opinion.

I see no objection in endorsing the first of his propositions; as a theoretical position, I allow that no Hindu widow, if she is a minor, should be condemned against her will to life-long widowhood. Mr. Malabari does not put into a practical form what he would have done to secure this end. A penalty must be provided by the law, if the proposition is not to remain a moral command. Now I strongly object to any interference of the legislature in this matter.

The grounds for this objection are these :—

First.—As a matter of principle the State ought not intercede to reform social abuses. It is essentially for the people themselves to solve such questions, and it may be safely asserted that any action from the legislature will do more harm than good.

Secondly.—The question of the remarriage of widows has a religious aspect, which it would not do to ignore. Many a Hindu honestly believes that the remarriage of the widows is prohibited by the Shastras. This belief may not be perhaps justified by the texts; but it is nevertheless genuine. Hence for the State to interfere in the matter would involve a breach of the principle of neutrality in religious matters, which the British Government has hitherto so wisely followed, and which it cannot disregard without incurring widespread discontent, if not inviting political danger.

Thirdly.—The practical bearings of the matter do not seem to have arrested Mr. Malabari's attention. To enforce any law that may be made, very wide powers must be given to the police, which will lead to certain corruption and oppression towards the weak, and inquisitorial proceedings will be often resorted to. No inquiry could be efficiently made without making a rude intrusion into the sacred domains of private life and disturbing the peace of families. Further there are mothers and fathers, who, rather than their widowed daughters should remarry, would commit suicide. Practical reformers will put these resultant evils of the proposed measure in the balance, and see if they will not outweigh the anticipated good. I, for one, humbly conceive that they will.

I need not express my views at length on the second of Mr. Malabari's propositions, *viz.*, that arrangements may be made in suspected cases to ascertain whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her. The objections against legislative interference in social matters, and the breach of the strict religious neutrality principle, apply to this as well. The practical aspect of the matter is still more serious. I would put a case to illustrate my meaning. An anonymous petition is sent to an over-zealous police officer, or information given by a person hostile to a respectable Native gentleman, that his widowed young daughter wishes to remarry, but that widowhood is forced upon her. This would form a suspected case falling under the second of Mr. Malabari's propositions. Now, to dispose of it, questions very galling to any sense of family honour, as it is conceived by the average Hindu, must be answered under a legal penalty. A free expression of the young widow's real opinion must be secured, and to do so she must be removed from the roof of her protectors and taken to the policeman's chowkey, and kept there under surveillance, lest she should be tampered with by her ignorant relatives. The young woman may persist in declaring her unwillingness to remarry, and it may be necessary to resort to more far-reaching processes to arrive at the truth. If these efforts fail she may be told to return to her home. But who will answer for the irreparable wound caused to the parents, brothers and sisters of the widow, and to all who think with them by such treatment ? They will have been disgraced for ever, and their natural misfortune aggravated by a grave insult inflicted at the instance of a few well-meaning reformers. Those who know the actual state of the Hindu society will allow that such cases will frequently occur if Mr. Malabari's proposition is adopted.

The third proposition looks less harmful, but I have no clear conception of what Mr. Malabari means by social ill-usage. If it amounts to a crime under the current laws there is

not much harm, theoretically, in Government offering to an ill-treated widow the gratuitous legal advice and aid.

But even here a warning is necessary. As things stand now, few, if any, high class widows will think of complaining of the ill-treatment of them by their relatives or even strangers. There will be complaints no doubt, but I fear they will mostly be found to have proceeded from women of no character, acting from mean and selfish motives whom it will hardly be proper to encourage by a free offer of State support.

As for ill-usage not amounting to crime, I am not disposed to recommend that should be raised into a ground for giving the aid proposed above.

The fourth proposition seems to be partly founded in ignorance. It is not the priest that excommunicates, but the caste, the priest merely acting as its mouth-piece and executive officer. Similarly, the relations of the parties contracting a second marriage are generally not excommunicated, and where they are, the object is to bring pressure to bear on the contracting parties through their instrumentality. This is no doubt unjust; but it is not easy to find a remedy which will not seriously interfere with the caste system itself, and the liberty of acting up to honest convictions, and ultimately paralyze its corporate action completely. Any step adopted in this direction is sure to produce serious discontent and this element of the problem must be allowed due weight.

I am sorry that I am thus unable to agree in Mr. Malabari's proposals, which have been backed by his very eloquent appeal. I think the solution of these questions must be left, as it is now, in the hands of the people affected by them. Education generally, and female education in particular, will greatly advance it. Agitation may do something and, preaching may further it too, though not much, unless it is supported by the examples of the preachers themselves.

I regret that the pressure of official duties should have prevented my complying with your kind invitation earlier. I expect to be able to offer my opinion on the other note shortly.

From MR. MANMOHANDAS DYALDAS, Editor of "Vartoka Sadbodha Rasraj," to the Chief Secretary to the Government of Bombay,—dated 29th January, 1885.

I have the honour to send you two copies of a Gujarati monthly magazine, *viz.*, *Vartoka Sadbodha Rasraj*, published by me, containing (amongst other subjects) our opinion relating to Infant Marriage and Enforced Widowhood, hoping you will be good enough to do the needful.

Translation of an article which appeared in the *Vartoka Sadbodha Rasaraj*, a monthly periodical published at Bombay, in its issues of the months of Kartik and Posh Samvat 1941 (November 1884 and January 1885).

Mr. Beheramji Meherwanji Malabar's papers on "Infant Marriages and Enforced Widowhood and Ourselves."

This subject has been brought prominently to the notice of the public by a Parsi gentleman who is a zealous worker in the cause of reform. It has been taken up by several Europeans who fondly think that they are acquainted with the customs and manners of the Hindus, and several of the so-called reformers in India have given their support [to what Mr. Malabari has written]. It therefore only remains for Government to see what steps they should take in the matter. We were hitherto silent on the subject, simply because we deemed it of primary importance to deal with the subject at great length and in full details.

How far Mr. Malabari's statements regarding the subject are correct, to what extent his proposals are practicable, what will be the consequence of adopting them, what is the condition of the masses in general, how those who have given their opinions are deceived, these and such other points we have first to consider.

We at first attempt to speak about the first of the two papers, *viz.*, that on "Infant Marriage."

Every custom of the Hindus, at least, is intimately associated with religion. Custom is not left unsanctioned in the highest authoritative work, the Vedas, or in the least authoritative works, the Purans. The subject of marriage is discussed in the Vedas as well as in the Purans, but marriage and other ceremonies have been more clearly and at greater length explained in the Smrities (than in the Vedas). It will therefore be necessary for us to examine the doctrines of the Smrities also.

Before entering into the subject, we think it necessary to suggest the questions "whether infant marriages existed in ancient India? when and how was the custom introduced?"

No Shastra is opposed to the prevention of infant marriages. There is nothing in the

Vedas which can deter us from doing so. What is then the reason that induces people to hestitate so much ?

The *Upanayana** ceremony is enjoined by the Shastras for all Hindus. It appears from the Smriti of Manu, that the 8th year is enjoined in the case of a Brahman, the 12th in that of a Vaisya, and the 16th in that of a Kshatriya, for the performance of this ceremony. It is also laid down therein that after the performance of this ceremony a person should live in the house of his preceptor for 12 years as a Brahmachari. A Brahman therefore becomes fit to enter the grahasthasrama state at the age of 20, a Vaisya at the age of 24 and a Kshatriya at that of 28. It now remains to be considered what sort of girl should be married to such a person, and when it can be said that no infant marriage has taken place. We find it nowhere explicitly stated at what particular age a girl should be married From a perusal of the Purans we gather that up to the age of the Mahabharata a girl was said to have attained puberty at the age of 16, and *Swayvamaras*† used to take place after girls had reached that age. This applies to the case of the Kshatriyas. We hardly read of any *Swayamvara* having taken place among the Vaisyas. The Brahmans had their own choice regarding (the time, &c.,) of marriage. Marriage means union. Manu says that man and woman should live as husband and wife only after 36 months have elapsed since the date of the wife's first attaining the age of puberty. It therefore comes to this—that the consummation of the nuptial troth should take place three years after the attainment of puberty by woman, so that at that time the woman's age should be about 25 years. Manu and others do not say at what particular age a girl should be married. Parasara however says that a girl attains to puberty at the age of 8, that she should be married at the age of 9, 10 or 11 and that it is a sin to keep her unmarried beyond that age. All Smriti writers are unanimous in declaring that a girl should not be kept unmarried after she has attained puberty.

* Investiture with the sacred thread.

† Marriages by free choice.

What now remains to be examined in the question—when does a girl attain puberty? Country, time, climate and social condition are the chief determining factors of the period of a girl's attaining puberty. The problem under notice should be solved after ascertaining at first the age of puberty, as also the present and the past circumstances of our country.

Ours is a warm country. European doctors say that women in Europe attain puberty between the 15th and 20th years. In our country cases will be found to exist wherein some girls have attained puberty at the age of 10 and others at the age of 18. Girls in towns attain puberty, generally speaking, between the ages of 10 and 12, and those in the country between 15 and 18.

Now if we take it for granted, as enjoined in the Shastras, that a girl should not be kept unmarried when she has attained puberty, then the first thing to be done before preventing infant marriage is to check abnormal puberty. To achieve this end, moral education should be given to girls. They should be taught their duties (in life). Parents should know how to behave themselves in the presence of their children.

As regards bearing children, nothing depends upon whether a woman has had natural or unnatural menstruation. It is our belief that a girl who has menstruated unnaturally will be a mother sooner (than one who has menstruated naturally), as is the case with a mango graft which is fed by various manures and chemicals. But it is an indisputable fact that the fruit of such a graft never equals in quality a fruit that has been naturally borne by a tree. Looking rather minutely into the matter, it appears that out of the children of the present generation, hardly two per cent. can be said to be a fine set of children. It is our belief that every woman miscarries at least once or twice in the beginning. It is past human belief that the progeny proceeding from originally diseased wombs can ever be strong and healthy, since, according to the medical science, unnatural menstruation is a disease.

Having said so much with respect to girls, we shall proceed to say something regarding boys also. It is not expressly laid down in the Shastras that a boy should be married at a particular age, but there is some very good reason for this silence. As it is desirable that a girl should not be allowed to remain unmarried after she has attained puberty, so also it is desirable that a boy should not be kept unmarried when he attains puberty. How can infant marriages be prevented when we hear complaints so often that unmarried youths fall into bad company and contract venereal diseases. It is at the present stage necessary to consider whether infant marriage or any thing else is the cause of physical debility (among our people), and what is meant by infant marriage.

We do not in the least approve of the meaning assigned by the reformers to the word infant marriage, or of the means which they suggest for its prevention. It is possible that their object may be gained in this *kaliyuga*, but we should not, even in our dreams, hope for the results which they anticipate therefrom.

Some persons allege that caste is a promoter of infant marriage. We think the allegation to be unfounded. It is not the case that the custom of infant marriage prevails in all the Hindu castes, neither is it true that remarriages take place in all those castes in which the custom of infant marriage prevails.

Those who advocate the prevention of infant marriage ought first to inquire in what castes in India the custom prevails, and in what castes remarriages do not take place. They also ought to lay before the public the number of widows found in the several castes. They ought likewise to state the number of existing widows in those castes in which the custom of infant marriage does not prevail, and in which remarriages do take place. Details and statistics ought to be given comparing the physical strength of persons belonging to the two orders of castes indicated above. We at least do not approve of a Parsee gentleman interfering in the customs and usages of Hindus.

From our own experience we assert it as an indisputable fact that the custom of infant marriage does not prevail in all castes. Even in all those castes in which custom is prevalent, *viz.*, the Brahman and Bania castes, it is confined to those families which are considered respectable.

If we examine the last census, we shall find that there are only a few widows in the aforesaid castes, and that these are not young widows. Again, the population of these castes daily increases. If therefore it is a truism that infant marriage is the cause of the existence of young widows, there should be many widows in these castes.

Though marriages are contracted at an advanced age among the Kapol (Banias), Bhatias, Nagars, &c., still there are many young widows to be found among them. A larger number of widows is found in cities than in villages. Mr. Malabari ought to have explained the cause of this circumstance.

Mr. Malabari's views are in direct opposition to the religion of the Aryans. They are ill-considered, and though tallying with the views that have found favour with the present generation, are such as will in future prove detrimental to the interests of the Aryan nation.

According to our Shastras, it is a sin to keep a girl unmarried after she has attained puberty. It is quite proper that this should be so. Parasara says that it is desirable that a girl of 10 years should not be kept unmarried.

Having said so much by way of preface, we shall examine how far Mr. Malabari's statements are true.

He has overdrawn his picture. It is not true, as stated by him, that early marriage inflicts life-long misery on both or either of the parties to the marriage. Owing to the poverty of the country and increased burden of taxation, it is very difficult for one to maintain himself here. The weakness of the people is attributable to their anxiety for earning a livelihood. After giving to the subject under notice our most deliberate consideration, we have come to the conclusion that want of practical knowledge and uncertainty (of the means of subsistence) are the causes of the (physical) weakness of the people.

It is not the case, as it is asserted to be, that infant marriage is the cause of "many of our social grievances, including enforced widowhood." "The true cause of these evils is the transgression of the rules of the Shastras. The area of selection is so narrow where society is split up into numerous castes and sub-castes, that practically Hindu parents have to make Hobson's choice of it." The truth of this assertion cannot be demonstrated. The caste system is not injurious in this connection.

Mr. Malabari says, among other things, that infant marriage breaks down the whole physical constitution. This is however not true. Want of moderation rather than infant marriage is the cause of this.

Mr. Malabari asserts that even educated Hindus are obliged to be governed by the customs of their castes. But this is due merely to their want of moral courage.

The practice of infant marriage would remain quite undisturbed in its social and religious aspects, if marriages could be contracted between girls of 12 and boys of from 15 to 20 years of age. We concur with Mr. Malabari on this point, with only this reservation that marriage should take place before a girl completes her 12th year.

We cannot agree with Mr. Malabari in his suggestions for (closing the doors of) the University and Government service (against the victims of infant marriage).

We agree with Mr. Malabari in his suggestion that the money received for a girl who is married to an old man should be set apart for her maintenance in case a calamity befals her.

Marriages should not be allowed to take place in cases where the bride is older than the bridegroom. All possible steps should be taken for the prevention of such cases.

To conclude :—The meaning we attach to the words "Infant Marriage" is marriage contracted in a state of ignorance. Whatever the age of a girl or boy may be, it is still an infant

marriage if the contracting parties are ignorant of what marriage or love is, how that feeling is created, what woman is intended for, &c. The best means of preventing infant marriage is to impart instruction in these subjects through books, &c. Besides, parents should also behave well in the presence of their children. It is useless to have a legislative measure in the matter The chastity of widows has disappeared with the putting down of the practice of becoming *sati* Girls should therefore be married between the ages of 8 and 12. If it be desired to preserve public health, then the best course is to drive away all prostitutes from cities. They are a source of immense mischief.

With regard to (widow) remarriage, we have only this much to say—that as the practice does not obtain in the Brahman and the Bania castes, it should not be enforced among them. As Government have made abortion punishable by law, so should they also make the pregnancy of a widow punishable by law. This will put an end to all incontinence on her part. Caste punishes an unchaste widow with excommunication. But it is also necessary that Government should punish her, as was the case in ancient India. Widows should serve the parents of their deceased husbands and observe *Brahmacharya*.* We would ask this question to the advocates of widow remarriage whether a woman should on her husband's death take another (husband), and on the latter's death, a third, and on the third's death, a fourth, and thus openly commit adultery? The practice that obtained in ancient times was the best, and it should therefore be followed. We are heartily against widow remarriage. Mr. Malabari and others who advocate it commit a great blunder.

* Abstinence; chastity.

Translation of a letter from GANGADHAR SHASTRI DATAR of Poona, to His Excellency the Right Honorable the Governor in Council,—dated the 23rd February 1885.

With reference to Your Excellency's letter calling for my opinion concerning Mr. Malabari's Note on Infant Marriages and Enforced Widowhood, I beg to write as follows.

The practice of performing child marriages has been in existence for a long time, and many males and females who were married in childhood, besides enjoying good health, are known to have lived for more than 75 years, and many instances of the kind can still be found. Child marriages cannot, therefore, be said to have been the cause of the bodily weakness of the present generation, and of their short lives. Under former Governments, the people enjoyed fixed incomes, were free from cares and anxieties consequent upon earning a livelihood, and used the best available food, &c. Now the fixed incomes have disappeared and the people have solely to depend upon Government service for earning a livelihood. Examinations have to be passed which necessitate hard work, and owing to the poverty of the people the food they consume is not of the best. This is the chief cause of the bodily weakness of the present generation, and infant marriages, as above stated, have nothing to do with the same.

Due care is always taken by the parents that the children to be married enjoy good health. Even though marriages be performed during the childhood of the bride and the bridegroom, there generally exists a difference of more than five years between the ages of the two. Consequently the marriages are always consummated after the bridegroom is 18 years old. The consummation of the marriage at this age does not, according to Vagbhat and other medical authorities, affect the constitution, does not produce weakness of the body, and is not a source of disease.

According to the Shastras (Prayog Parijat, Nirnaya Sindhu and other authorities) the period between the 7th and the 10th years of a girl's age is the most approved period for her marriage; the 6th, the 11th, and the 12th years are less approved; and the period between the 12th year of her age and the time when the menses appear is the least approved. After the appearance of the menses the marriage of a girl cannot be performed at all. It is therefore necessary that a girl must be married before the menses have appeared.

The Shastras do not fix any time before which a boy should not be married. There is no authority for leading, in the present age, a bachelor's life for more than six years, and after the bachelor's period is completed, there is a strict prohibition to live without entering the [married] stage of life. Child marriages cause no inconvenience if the difference between the ages of the bride and the bridegroom is properly observed, as stated above.

It is contrary to the Hindu Shastras that women in any stage of life should act independently [of men].

It is stated in the Shastras that the marriage of a girl should not be performed before the marriage of her elder brother has been performed, a boy must therefore be married at an early age, so that his sister may not remain unmarried after her marriageable age has passed.

When a girl is married in her childhood, the mind then being stable her sense of respect towards her husband is strengthened by the advice of her elders who tell her to look

upon her husband as her god, and there thus remains no possibility of her character being afterwards spoilt. When marriages are however performed at a late age, the mind being unstable, it is possible the character may be spoilt.

Many instances have come to my knowledge of women from among civilized people married after they were 20 years old, wherein the parties not having fully known each other's characters, loved each other for some time, but then separated in disgust as soon as they came to know each other properly well.

Moreover, happiness or misery in this world depends upon one's actions in past life. Every person wishes always to be happy and tries every possible means to be so, but fails oftentimes.

There may be instances wherein, through love of money and other causes, defective girls and boys are selected by parents as wives and husbands to their children, but this cannot be general. It is very wrong therefore to recommend late marriages on this account. Disease is chiefly the result of vice and many persons have fallen victims to it. It is very strange, therefore, that it should be attributed to early marriages.

It is against the Hindu Shastras that a wife should be older than her husband; and good men on that account do not resort to such marriages.

Though a child cannot be expected to understand the marriage vow and remember the same, it is possible he may, through the advice of parents, understand the same and act accordingly.

Many instances are found of children leading a vicious life in their early age. It is better therefore that they should be married within the limits of time mentioned above and thus laid under restraint.

It is not right to say that a married boy becomes subject to disease and that he cannot go on with his studies. If there is a difference of more than 5 years between the ages of the husband and wife, there cannot be, as is already stated above, the possibility of disease being engendered. Besides, a man who on account of his youth feels the want of a wife and does not get one is sure to go astray. If, however, through fear of sin, this does not happen to be the case, then many cases are found wherein the body is wasted and disease engendered. One who has really a liking for his studies will, without being thwarted by any number of difficulties, some way or other carry on his studies to an end.

The statement that there is no sufficient authority in the Hindu Shastras for performing the marriage of a girl before she is 12 years old shows ignorance of the Shastras. It should be understood in the same way as is the assertion "the beautiful son of a barren woman."

Taking all these circumstances into consideration, early marriages can in no way be found fault with, and any restrictions laid on married students in the way of their appearing for certain examinations, &c., will be a source of mischief to the people.

It is expressly stated in the Yadnyavalkya Smriti that a daughter should be given in marriage to a young man, and in another Smriti that a man should not marry after he is 50 years old. Such being the case, respectable men refuse to give their daughters in marriage to old men.

The statement that early marriages produce many widows, and late marriages lessen their number is not correct. There are thousands of instances wherein girls who were married in their childhood, and who according to their horoscopes were destined to become widows, by having recourse to certain remedies prescribed by the Shastras, died without becoming widows. There are also many instances to be found from among the widow-marrying classes, of married widows losing their husbands and again becoming widows. Therefore good or bad fortune does not depend upon human exertions only. It depends solely upon one's destiny. A man's utmost exertions sometimes come to nothing, and sometimes without the least exertions he gets the best of results. Human attempts to avert calamities having their origin in hidden causes can therefore be of no avail.

Widow Marriage.

From early times there has existed, in conformity with the Hindu Shastras, the practice of widows either leading a life of abstinence or burning themselves as *satis* on the funeral pile of their husbands. After the death of King Dasharatha his three wives led a life of abstinence and protected their sons and subjects. Parshuram's mother, Renuka, burnt herself as a *sati*. It is also evident that there did not exist, besides these two alternatives, the third alternative of widows again marrying themselves. The above incidents are taken from the Purans. In recent times also, in this *Kaliyug* itself, Ahilyabai's daughter burnt herself as a *sati*. As to how Ahilyabai herself led a life of abstinence and managed the affairs of her

State will be known from a perusal of Malcolm's History of Central India. The Shastras therefore prescribe only these two alternatives. The third alternative of widows again marrying themselves does not seem to have been approved of by anybody, and, if at all approved, the same is prohibited in this *Kaliyug* by the Shastras. Accordingly in the discussions held some years ago on this subject before the Jagadguru Shrimat Shankaracharya and in the discussions lately held before Shriman Madhvacharya, it was decided that the remarriage of widows was contrary to the Hindu Shastras and that therefore a Brahman who married a widow became an outcaste, with whom as well as with the widow so married no intercourse should be held in matters of religion. If in spite of these facts widow marriages be enforced by law, such a proceeding on the part of the Government will hurt the feelings of the orthodox Brahman community, and at the same time bring upon Government itself the opprobrium of acting against its own pledges and of thus exercising oppression over the people. It is hoped therefore that Government will never take such a step.

Seeing that the practice of widows burning themselves with their husbands was horrible, Meherban LeGeyt Sáheb on the 11th of September 1837 wrote letters to the people, calling for their opinion concerning the introduction of widow marriage. In reply our ancestors declared at that time that they would not, in defiance to the ordinances of their very ancient religion, consent to the introduction of widow marriages, which were contrary to the Hindu Shastras and to the customs of the people. On the receipt of this reply, Government did not move further in this matter.

Mr. Elphinstone, when he took over charge of the Peshwa's dominions on the 11th of February 1818, publicly declared that Government would never interfere with the religion of any section of the community.

In Act No. XIV. of 1827, section 14, clause 7, it is stated that every body should act in accordance with his religion, and that anybody not doing so should be subjected to punishment (by the authorities).

In the Queen's Proclamation issued after the close of the Mutinies of 1857, it is also stated that Government would not interfere with anybody's religion.

In 1877, when the title of Empress was assumed by Her Majesty the Queen, a similar proclamation was issued.

With regard to the complaint made to Government in the time of Lord Ripon by certain Missionaries against His Highness Holkar, a reply is said to have been given to the effect that Government could not interfere in religious matters.

I am not of opinion therefore, that in spite of all these pledges given by Government from time to time and the decisions of the two high priests of the Hindus, Government should take any steps to enforce widow marriage or should think it necessary to make any law in the matter.

I do not approve of the action taken by Government in the matter of putting a stop to *satti* and the car of Jagannath after giving repeated pledges for not interfering with the religion of the people.

It is not correct to say that the enforcing of widowhood is an act of oppression. There are certain things which, though distasteful in the beginning, prove beneficial in the end. It is necessary that such things must be enforced, and this can never be considered as an act of oppression. It may be compared to the medicine given to a patient.

To give one's daughter in marriage to an old man, and to marry her before she is 5 years old, and to marry a boy with a girl older than himself are contrary to the Hindu Shastras and must therefore be put a stop to. It is not necessary however to make any law in the matter, as the same can be done by giving the necessary powers to Shankaracharya and other high priests.

The men who, in spite of the fact of there being many early married pairs not having any issue, say that child-marriages will cause over-population and consequent poverty, have no guarantee that widow marriages will not do the same.

I do not know why Mr. Malabari should, in the latter part of his note, cry down the Hindu Shastras. It is not proper to ridicule the idea that men alone should be allowed to marry as many times as they wish. It is not good that the Aryas, while on the one hand they believe in the statement of the Shastras that the thread ceremony makes a Brahman a real Brahman, should not believe in the prohibition laid down in the same Shastras to widow remarriages. It is not good to state that the Sovereign being a queen should take special interest in the cause of women. A Sovereign should look upon all subject-classes in the light of a father, and see that they follow their own religion by punishing the defaulters. If this is not looked to by the Sovereign, the religiously-disposed will suffer at the hands of those not religiously disposed, and trouble and misery to the people at large will ensue, and the

consequences will not be good. Government should not therefore take up the suggestion to introduce widow remarriages which are not in conformity with the people's religion.

I need not dilate upon the relative merits of the suggestions to put a stop to child-marriages which are not prohibited by the Shastras, and to introduce widow-marriages which are prohibited by the Shastras, but leave the same to the consideration of other sensible men.

In short, I cannot give my consent for carrying out either of these suggestions.

From PANDIT NARAYEN KESOW VAIDYA, to the Secretary to the Government of Bombay, General Department,—dated 27th March 1885.

I feel extremely thankful to His Excellency the Right Hon'ble the Governor in Council for the great favour he has done me in asking my opinion on the two important subjects treated of in Mr. B. M. Malabari's papers, *viz.*, *Infant Marriage* and *Enforced Widowhood,* and I beg to submit my humble opinion thereon with pleasure.

2. As regards Infant Marriage, the practice has become very common, especially with the well-to-do, educated and otherwise people. Their great aim is to secure the best possible match without regard to age, qualifications, present circumstances or future prospects of the bridegroom. This is accompanied necessarily with "*Hunda*" (money given previous to marriage). As soon as this greed is satisfied, and all the disputed points settled, the marriage is solemnized at considerable expense. Of late, infant marriages have become a curse to the Hindus. To put a stop to this state of things, it is desirable that Government should legislate, and fix the respective ages of boys and girls at 16 and 11, which, in my opinion, considering the climatic circumstances of the country, appear to be neither too high nor too low. The figure now given ought to be the minimum for both sexes. By this means much evil will be averted. A boy will be able to study without interruption, and be free from those futile inducements attendant on marriage from his passing the Matriculation Examination to his taking up the B. A. degree, or till his mind is well developed for retaining sound knowledge. In the case of a girl she will have arrived at an age when she will have learnt to read and write well, and thus enter into her new sphere of life, not as an ignorant and dull woman, but one who has realized to some extent her responsible position, and one who will be useful in the new home to which she has been transferred by the change in her life.

Among the higher classes of Hindus especially, girls are married to boys sometimes in their teens, and to old men of 50 or 55. In both cases, the results are disastrous. If the husband dies soon, the wife becomes a widow for life the large sums of money spent on marriage on the side of both parties are absolutely lost. Misery, wretchedness, and poignant grief are the results. Some die of the shock they receive. Greedy parents, with a view to get money, contract matrimonial alliances for their girls with widowers (become such two or three times) who are more or less in their dotage, or who wish to see their daughter decked with valuable ornaments, or the wife of a rich and wealthy man. The result is, if the ornaments are on the wife's person, and if she has good relations on the parental side, they remain as her own; if not, they are quietly made away with by the sons of the deceased first wife, or by relations who may have been the custodians of the decesased husband. If there are wills left by him, they are made away with, and, in fine, the poor widow is left to her fate, perhaps with bare maintenance; that even is sometimes denied to her. I will cite a few instances to show the truth of my assertion. A Government servant of very high standing and position lost his first wife, by whom he has a son. He married a second wife, when he was of forty-eight years; by her he has children also. After his 55th or 57th year, he was pensioned; his second wife died, and a few months afterwards, he married a third, aged 10 or 11. He had, it is stated, paid some money for the marriage, and made provision for her too. Soon after he died, his heirs, it is said, caught hold of the keys of the box, did away with the documents, &c., and the poor creature is now, I understand, quite helpless and dragging a miserable life. This instance has occurred in the district of Ratnagiri, where the Brahmin element is strong. I will cite a case which occurred in the neighbouring district of Kolaba. A man of considerable property, a widower evidently, in his 57th year or so, married a girl of 11 years. He had given her ornaments worth about Rs. 3,000, assigned a certain sum for her to go to Benares and other sacred places, gave her permission to adopt a son, and in the event of any dispute or disagreement taking place between the adopted son and her, she was to have for her absolute use a certain amount annually. The old man fell ill of diabetis; his medical advisers told him to go for a change of air in the Deccan, where after a lingering sickness of two or three months, he died, leaving, however, a will wherein the above intentions were duly provided. All, however was unavailing. It is stated that the genuine document was substituted for another; and it was given out that the boy to be adopted by the lady had already been adopted by the dying

man. The boy's father became vahivatdar, took hold of the keys, cash, ornaments and every thing that could be gathered, and the widow was left to her fate with only Rs. 100 a year. Many other examples can be cited to show the fate of widows after the demise of their husbands. I maintain that this custom is contrary to religious precepts, and, I think, that Government is bound in the interests and welfare of its millions of loyal subjects to legislate in this matter. People may talk a good deal; they would do their best to put a stop to this evil; they would pledge themselves to root out this evil, but the history of the last 30 years unmistakeably shews that all has been tall talk. The men who to-day could strongly argue against it, would to-morrow do the very thing they at one time vehemently opposed, and perhaps would encourage others to follow in their wake, even if they be not so inclined. There have been lectures given from the platform, essays written which carried away splendid prizes, sermons preached from the pulpit, but practical action has been *nil*; that can be achieved by legislation and that only.

The next subject adverted to is *Enforced Widowhood.*

This subject has been my favorite theme for many years. Since these last two years, I have left aside my trade, and devoted my sole attention to it. Despite the numerous inconveniences and abuses I have clung steadfastly to it. In my humble way I am trying to exert to the utmost on its account. The first objection brought against widow remarriage is its *not* being sanctioned by the Shastras. On this point I have made considerable research, and the result of my labours is embodied in a poem entitled " the lamentations of Hindu widows " in Marathi, a copy whereof is appended to this. The contents of the brochure are given in brief in English. Copies of its first edition were soon exhausted, and I have published a second edition of it. On my requesting permission of the Most Hon'ble the Marquis of Ripon, K.G., late Viceroy and Governor General of India, to its being dedicated to him, he has been pleased to grant it. The whole anti-remarriage theory is exploded. It is to be hoped that while His Lordship was not able to carry out his convictions, the present Viceroy, the Earl of Dufferin, K.P., like his predecessors, the most Noble the Marquis of Dalhousie, K.T., and Lord Canning, G.C.B., will aid in the work of ameliorating the condition of the poor and helpless widows grovelling in misery, and thus fulfil the commandment given in your own Holy Scriptures " Ye shall not afflict any widow," " Plead for the widow."

The Government of India by enacting a law to remove all legal obstacles to the marriage of Hindu widows, have affirmed that their aim has been the promotion of good morals and public welfare. From this position they cannot with justification now recede, neither can they in justice to themselves remain passive, for the very law which they once passed for the benefit of a certain class has not been availed of to its proper or legitimate extent. It requires to be amplified, or wherever the latent defects may be they require to be amended, just as the Deccan Agriculturists, the Talukdars or any class law, in consonance with equity, and with the existing requirements of the country.

Legislators like Dr. W. Hunter, C.I.E., or others may say that State legislation on the subject is *not needed*. It may be asked why has a Tenancy Bill been introduced? Is it not that Government wish to better the class of ryots, trodden down by powerful zamindars; or, why is relief afforded to the ryots of the Deccan, Sind and Guzerat, who are defrauded wholesale by saokars of the type of Shylock the Jew. There is much ignorance prevailing on the subject, which it is necessary to dispel. When Act XV. of 1856, on the subject of removing all legal obstacles to the marriage of Hindu widows, was before the Legislative Council of India, the opposition it met with was something like the Ilbert Bill, quite alarming. It is described by the Hon'ble Sir J. P. Grant, K.C.B., the father of the measure, as follows :—

There were upwards of 40 petitions against the Bill signed by from 50 to 60 thousand persons, while there were 25 petitions, bearing 5,000 signatures, in favour of ths Bill.

Fifty thousand is a formidable number certainly. And the opposition, it should not be forgotten, was headed by men from all sides, like Raja Sir Radhakant Deb, K.C.S.I., the learned Professors and Pandits of Hindu Law, respectable inhabitants from all parts of Bengal, Madras and Bombay, including the Judges of the Sudder Courts of Calcutta, Allahabad and Madras.

Such opposition, formidable in every way, the Hon'ble Sir J. P. Grant faced; the Bill was passed, and it remains firm on the Statute book. So the argument of interfering with Hindu religion is altogether weak. The quotations which the learned Professors and Pandits of Nuddea had submitted from the Vedas, Menu, Mahabharat, Aditya Puran, Ratnakara, Nirnay Sindhu, Hemadri Madan, Parajatak, &c., thereof were set aside. I would most respectfully suggest that Pandit Vidyasagar's memorial, together with the Widow Marriage Bill, the Statement of Objects and Reasons, the Report of the Select Committee, the speeches of the Hon'ble Sir J. P. Grant, Mr. P. W. LeGeyt, Sir J. Colville, and Sir Barnes Peacock, and the Act as passed, be translated and printed as a collection in English, Guzerathi and Kanarese for

general distribution. As nearly 30 years have run their course, the present generation is little acquainted with the extant literature on the subject. The perusal of these will enlighten the minds of the people considerably. Gross ignorance and so-called prejudices will at once be eradicated.

A glance at the summary prepared at the India Office, *viz.*, the improvements effected in the administration of India during the last 30 years, dated 11th February 1858, for the information of the Hon'ble the House of Commons, will show in what matters Government interfered, and with what beneficient results (*vide* Parliamentary Blue Book, pages 18 and 19). I subjoin the extracts *in extenso* illustrating the truth of my assertion :—

(*a*) *Infanticide.*—Equal vigour has been displayed against many barbarous usages of the Natives. Special measures have been carried on during a long series of years for the suppression of female infanticide, a crime which had become a positive custom among several of the higher castes in various parts of India, from motives, not of religion, but of family pride. The co-operation of the native princes has been urgently invited, and to a great extent obtained, for the suppression of this practice. In the places and among the castes in which the practice was ascertained to exist, means were taken to obtain an annual census of female children. A report of all births, of all deaths of infants, and of the causes of deaths, was required under the stringent regulations and penalties. Engagements were taken from the influential persons of the castes to preserve their own children; and to aid in enforcing the same conduct on others. Honorary rewards and marks of distinction have been conferred on chiefs and others who have exerted themselves for the promotion of the object. By great efforts of persuasion and address, the heads of castes and tribes have been prevailed on to agree to a limitation of that favourite subject of vanity, marriage expenses, and grants of money are regularly made to poor persons of the castes, in aid of the marriages of their daughters. These efforts have been rewarded by a continual diminution of the number of infanticides, evidenced by a constant increase in the number of females in existence of the formerly delinquent castes.

(*b*) *Suttee.*—Suttee or the voluntary burning of widows on the funeral piles of their husbands, after having been long discouraged by every means short of positive prohibition, was finally made a criminal offence in all who abetted it, by a legislative Act of Lord W. Bentinck's administration, and has now entirely ceased in the provinces subject to British administration. Unremitting efforts have been used to induce the native princes to follow the example, and have been at last successful with all of them except one, the Maharana of Odeypore, the representative of the oldest and proudest dynasty in India ; and this prince professes himself willing to abolish the rite, when the cessation of existing differences between himself and his feudatory chiefs shall enable him to obtain their concurrence in the measure. Various other modes of self-immolation practised in India, by drowning, burying alive or starvation, have been with equal success prohibited and suppressed.

(*c*) *Witchcraft.*—The pretence of supernatural powers was a source of great evil in India, not only as a means of extortion and intimidation, but also by the numerous murders perpetrated on persons suspected of practising on the lives and health of others by magical arts. The acts of fancied retaliation have been, with a gentle but powerful hand, repressed, and great progress has been made towards their extinction. The fraudulent pretence is now punished as a substantive crime.

(*d*) *Tragga.*—The insecurity of rights and the imperfection of the tribunals, under the native Governments, had introduced, on the part of those who were, or believed themselves to be, injured, a singular mode of extorting redress. They hired a person of one of their religious classes to threaten that unless the demand, whatever it might be, was complied with, he would kill or wound himself, or some one else ; thereby, it was supposed, entailing the guilt of murder or of wounding on the person whose alleged injustice was the original cause of the act. If the threat proved ineffectual, the honour of the threatener was engaged to carry it into practical effect ; and many suicides or murders were committed from this cause. This barbarous practice, known by the name of Tragga, has been almost entirely suppressed, partly by penal laws, and partly by affording more legitimate means of enforcing just claims.

(*e*) *Meriah Sacrifices.*—Among the barbarous tribes who occupy the hill tracts of Orissa on the south-west frontier of Bengal, human sacrifices prevailed until a very recent period. By a well devised and judicious series of conciliatory measures, worthy of a more lengthened record than can be given to them in this place, the extinction of this enormity has been effected.

(*f*) *Abolition of Slavery.*—After a full consideration of the subject of slavery in India, by the Indian Law Commissioners and by the Government of India, an Act was passed in 1843, which entirely abolished slavery as legal status. The Courts of Justice are forbidden to recognize it. No fugitive, claimed as a slave, can be forcibly restored ; and every act which would be an offence if done to a free person, is now equally an offence when done to the persons formerly considered slaves.

As has been well remarked by an author that "when Brahminism arose, and the Brahman writers turned their attention to law, they at first simply stated the facts as they found them without attaching to them any religious significance. That the religious element subsequently grew up and entwined itself with legal conceptions, and then distorted them in three ways:—(1) By attributing a pious purpose to acts of a purely secular nature ; (2) by clogging those acts with rules and restrictions suitable to the assumed pious purpose ; and (3) by gradually altering the customs themselves, so as to further the special objects of religion or policy favoured by Brahminism."

If the Government of the Most Noble the Marquis of Dalhousie and his distinguished successor Charles John Canning, gave us 30 years ago the Widow Marriage Act, at a time when there were no Universities ; when education had been just transferred from the Boards to a responsible Director of Public Instruction ; when Railway and Telegraph and other scientific inventions, the pioneers of civilization, had just been introduced in this country ; when public

opinion was extremely feeble, it is not too much to ask Government, looking to the legislative measures introduced on account of the Parsis, Khojas, &c., to give a helping hand to the Hindus by legislating on this subject in a complete and unequivocal manner.

Then, again, the Police Returns under the heading of "Marriage, injuries to unborn children, concealment of births" should be collected and carefully analysed; confidential reports from Superintendents of Police, especially from Poona, Sholapur, Nasik, Surat, &c., be obtained. People are quite prepared to receive any reform the Government would introduce on this subject. Already in Surat, a most conservative district, the widows have boldly appealed to the *Nuggersett* for redress. But his fortitude is not equal to the occasion. In the same way, at Madras, Remarriage Associations have been, or are being, formed to further the cause. So new vitality, so to say, has been infused into the subject. People have begun to think, many to enquire. The time for action has arrived.

In this state of things the first steps to be attempted is the appointment of a Commission, composed of representative men of all castes, to enquire and report on the evils arising from the social disabilities from the non-marriage of widows, and how far Act XV. of 1856 has been found defective, the remedies necessary to give full effect to the beneficient intentions of its original framers to suit the existing circumstances of society.

The next step is to remodel our girl schools throughout the Presidency on the model for imparting female education, chalked out for us in 1867, by the late veteran lady of world-wide renown, Miss Mary Carpenter. We should have female teachers and inspectors, without distinction as to race, and the teaching should be carried on on the principle of religious neutrality.

Another very practical suggestion I wish to make is that on those occasions where the official and non-official meet, for instance, His Excellency the Governor, Members of Council and representative men, such as Justices of the Peace, Fellows of the University, Members of learned Societies "at Home" or "Garden Parties," the subject of widow marriage should be alluded to, and the services of the Oriental Translator to Government utilized, in explaining the benefits arising from the measure to persons who may not be knowing the English language, thus creating a strong public opinion in its favour.

With these preliminaries conceived in a spirit of liberality, as affording incentive to exertion to all parties, I am sanguine that the result would be as desired by all well-wishers of this vast empire.

Suggestions for embodiment in the proposed Bill to amend Act No. XV. of 1856.

(1). The rights of men and women should be treated alike on an equal footing.

(2). The barbarous custom of the shaving of widows to be abolished, and any deviation therefrom to be treated as an offence under the Indian Penal Code.

(3). That the marriage of a boy with a girl should not be considered as legal unless their respective ages are above 16 and 11.

(4). That the practice of demanding money for completing the contract of marriage by the parents should be abolished, and the marriage itself to be considered illegal.

(5). Married boys should not be allowed to appear for the matriculation examination.

(6). Law should protect widows from the miseries and sufferings to which they are generally subjected, and any complaint made by such widow either by herself or by any other person on her behalf should be dealt with by Courts of Law.

(7). In the event of a widow having children wishes to remarry, the second husband whom she marries should maintain those children as if they were his own, if they are destitute of support.

(8). If a husband dies leaving any property, and his widow remarries during the minority of her children, the second husband to be their guardian for purposes of the safe custody of the aforesaid property, which should be set aside for their exclusive benefit under order of the Court.

(9). The Act should clearly define widow's rights after her remarriage, so that there will be no ambiguity or defect.

(10). That the action of a community to excommunicate individuals for not marrying at an early age, or on account of others remarrying a widow, should be treated as an offence under the Penal Code. But if a widow, however, instead of remarrying were to lead an immoral life, and whereby commit heinous crimes by which the reputation of the family, &c., is degraded, then the excommunication of such a widow should be considered perfectly justifiable after a thorough investigation of her case by a *Panchayat*.

From J. MONTEATH, Esq., Under-Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department,—No. 1504, dated Bombay Castle, the 25th April 1885.

In continuation of my letter No. 1112, dated the 26th instant, I am directed to forward herewith an English translation of the opinion in Sanskrit of Pandit Panchanadi Guttulal Ghanashyamji on Mr. B. M. Malabari's notes on "Infant Marriage" and "Enforced Widowhood," and to state that Pandit Guttulal is one of the spiritual heads of the Vallabhacharya sect of the Hindus and is a distinguished Sanskrit scholar.

No. 753, dated 16th April 1885.

Translation of a Sanskrit letter from Pandit Panchanadi Guttulal Ghanashyamji of Bombay, to the Under-Secretary to the Government of Bombay, General Department,—dated the 12th March 1885, (and received in this Department and ordered by the undersigned to be translated on the same date).

(The Lord of all prospers !)

A certain gentleman (Mr. Malabari), a zealot (in the cause) of his country, has given publicity to some of his own views on the subjects of infant and widow marriages with the hope that the country would be benefited by them. (He) is anxious that Government should make laws in connection with the two aforesaid subjects. Government are thus desirous to know my opinion in the matter, and I proceed to give the same candidly. It is not proper that those appointed to administer the government of the country should by means of legislation set aside the prevailing usages and customs of the Aryas (Hindus) with regard to religious and social matters. The sovereign should protect the people entrusted to his care without violating their customs and laws which derive their sanction from their Shastras (sacred books). Yajnyavulkya in Book II, in the chapter on the duties of a sovereign (says as follows) :—

When a country is subjugated, the usages, laws (and) family customs (prevailing therein) should be preserved intact.—35.

Yijnyaneshwara (Yajnyavulkya's Commentator) further adds :—

And when a foreign country comes under subjection, the customs, &c. (of one's) own country should not be mixed up with (those of the conquered country), but the usages, family customs, or laws peculiar to that country should be preserved as they existed before, provided they are not contrary to (their) Shastras.

Nay, if the people (of the conquered country) have deviated, even of their own accord, from their religion, they should be brought back to their (right) way of action by being subjected to penalties. This too is stated in the same place (as above) :—

The king should, by subjecting them to penalties, bring back families, tribes, sections, associations, and even countries to their proper way when they swerve from their religion.—52.

Let this pass. Now in the first place let us consider whether widows should or should not be remarried. On the subject of the remarriage of widows, the gentleman says :—

As a general rule, I do not approve that either the husband or the wife should marry again, nor do I entertain the mistaken notion that the widows of the Aryas are a source of infamy to their families, and that therefore they should be forcibly remarried.

By statements such as these, he only means to say that girls, who are married in their childhood and are probably widowed immediately afterwards, experience none of the different phases of this life except widowhood, and have quietly to surrender themselves to its miseries till death (and that therefore remarriage should be allowed in their case). This will, however, apply equally in the case of those married at a full grown age if accidentally the husband dies immediately (after the marriage), there being no difference as regards the miseries of widowhood (in the two cases). I do not therefore see the necessity of introducing widow-marriages on the ground of child-marriages. The experience of life-long misery resulting from widowhood is the same in the case of those (women) who are widowed after enjoying the company of their husbands for a limited time only. Should the remarriage of these (latter kind of widows) be allowed (to take place), then remarriage will have to be allowed as a general rule, which is inconsistent with the first statement (alluded to above). The intelligent say that the miseries of widows as depicted both in prose as well as in verse in pathetic language in various newspapers and the like are, for the most part, published anonymously by those persons only who like that remarriage should be brought into use. Therefore even this (the supposed misery of the widows) does not absolutely prove the necessity of widow marriage. With reference to (his) statement that thousands of Arya wives bereft of their husbands, though of chaste lives and actions, yet pass their lives in misery only and support their existence in hopes of happiness in a future life, we ask, is it or is it not desirable to remove the miseries of dutiful, chaste, and virtuous (women) also ? In the former case (an affirmative answer) remarriage with force will have to be allowed; in the latter case (a negative answer) the motive for not desiring to remove their miseries ought to be inquired for. If it be urged that the motive is only the fear of violating (their) religion, then the same motive should also form an obstacle to the remarriage

(of widows). Again the statement commencing with "lakhs of widowed women of gentle and simple hearts are in a pitiable condition" and ending with "die with such infants born of their own wombs" is refuted by the foregoing answer. It is a matter for consideration also whether Mr. Malabari's speaking of the virtue of thousands and the infidelity of lakhs does not involve a contradiction with the second part of his first statement. Again, the evils of infanticide that are pointed out are, for the most part, for obvious reasons, possible also in the case of women of some of those Aryas who having married here leave their wives and undertake long journeys, occupying many years, to distant countries for the purpose of trade. In the case of such women things like intercourse with strangers, which are calculated to satisfy the physical and sexual passions, cannot be allowed because they are contrary to religion and to reason; and to prevent misconduct plenty of food and too many ornaments are not given, and good advice, association with good men, want of opportunity, retirement, and such other things only as are not opposed to religion, are used by the elders, &c., who have the care of their guardianship. Exactly in the same manner it is not proper for reasons aforesaid that even child-widows should be allowed to marry again; but the aforesaid measures only should be made use of which will ensure right-mindedness in them. If all the widows in the world would practise their own duties night and day, such as avoiding music and singing of all kinds, associating with good men, devotion to God, not taking plenty of food and too many ornaments, then they would not all be the objects of the accursed torments of love and such like. Where will there be then any occasion for (them to cause) miscarriage or (commit) countless other sins? Manu, while describing the duties of women in chapter V., objects to (their) remarriage, and sets forth in brief the duties of widows:—

No act should be done by a woman independently, even at home, whether she be a girl, a grown-up woman, or an old woman.—147.

Him to whom (her) father or her brother with the father's consent may give (in marriage) she should serve while living, and should not dishonour when dead.—151.

In marriages the benediction is uttered and the sacrifice offered in honour of Prajapati in order that good luck may attend them (women), and the gift (of them) in marriage is the cause of ownership (over them by their husbands).—152.

A virtuous woman who wishes to attain to the Patiloka (husband's world, the sphere of the husband in a future life), should not do anything to displease him who has taken her hand, whether he be alive or dead.—156.

On the death of her husband she should willingly waste away her body by (living upon) good flowers, roots and fruits, and should not even pronounce the name of a stranger.—157.

Owing to the encouragement of independence and such like vices (they) become subject to the power of desire and then commit sins, such as killing the embryo. Therefore he (Manu) sets forth in chapter IX. rules which are applicable to all women alike, and which are such as will prevent the spread of such evils:—

Men should never allow their wives to be in dependent. They should keep them under their control when they are being addicted to pleasure.—2.

The father protects (a woman) in childhood; the husband in youth; the sons in old age. A woman does not deserve independence.—3.

Women ought to be specially protected even from small contingencies; (if) unguarded, they will bring affliction upon both the families.—5.

Husbands, though weak, seeing this to be the best duty for all classes, endeavour to protect their wives.—6.

(He who) protects his wife with deligence, protects his issue, his character, his family, himself, and his religion.—7.

Whoever is not able to protect women by force, can protect them by these means.—10.

She should be made to increase wealth and to manage the expenses (of the households), to (perform) pious actions, to cook food, and to look after Parinabya.—11.

(Parinabya = household goods, such as bedding, seats, pots, frying-pans, &c.—Kulluka-bhatta.)

(Those women are indeed) unprotected (who are) shut up in the house by (their) relations, (but those) who protect themselves are (really) well protected.—12.

Drinking, association with bad men, disagreement with the husbands, wandering about, indolence, living in a stranger's house, (these are) the six vices of women.—13.

They do not care for a beautiful appearance, nor have they any consideration for age. They enjoy a man whether handsome or ugly, simply on the score of his being a male.—14.

From meritriciousness, inconstancy, and hardness of heart, they howsoever well protected, act hostilely towards their husbands by nature.—15.

Knowing that this their disposition has been implanted in them by the Creator, a man should strive hard to guard them.—16.

Sleep, sitting, ornaments, (the possession of) love, anger, petulance, envy, and evil conduct are predicated of women by Manu.—17.

This may be seen in other works also. Here (in verse 6 above—"husbands endeavour to protect their wives, &c.,") the word भर्ता (literally those who feed or support) appears to mean, by implication or according to its derivation, those entrusted with women's support.

Consequently it is fitting that in the absence of their husbands, their children, fathers, brothers fathers-in-law, &c., who may be supporting the widows, should protect them by the means aforesaid. The duties of wives and widows have been described at length in other Smritis and Purans, and, therefore, enough with a complete disquisition of their duties (here) which will only occasion a waste of time. Therefore the remarriage of widows should not be performed at all, as being contrary to religion and reason.

As for the aphorism of Parashara, "that (the husband being) lost, dead, banished, being impotent, and outcaste," &c., the form पपौ is not possible, because the word पति does not terminate in घि, and therefore getting अपप्यै by dissolving (the sandhi) and the negative particle अ in अपपौ being construed as conveying the meaning of similarity, the aphorism applies to (a girl) betrothed. This has been treated at length in other works. It is unjust to understand an obsolete construction where a grammatical construction is favourable. Otherwise it will follow that liberty may be taken at will of understanding obsolete construction in all cases. The learned Aryas of old and of the present time, as also the ordinary people, for the most part do not at all consent to the introduction of that notorious, permanent, and everlasting prostitution of widows of all kinds under the name of remarriage. In a remarriage (as in the marriage of maidens), the relations of the bride and the bridegroom, such as the giver, &c., are necessarily required for the performance of rites enjoined by the Shastras, such as that of giving a girl in marriage, &c. Therefore it is contrary to the Shastras and reason to associate with persons assisting in a widow marriage which is full of gross unrighteousness, unless they have performed a penance. Consequently it is not proper to break through the restraints of caste which have the authority of religious scriptures and are approved of by the people. As for giving up association with the remarried widow and her husband, the matter has been settled by many passages of the work like the Mitakshara.

In the commentary on the verse "that whoever will live with these for a year," &c., Devala says :—

Man's sin is spread by conversation, by touch, by breath, by going and eating together, by conducting a sacrifice, by teaching, by marriage.

In the same place Parashara (says) :—

By sitting (together), by sleeping together, by marriage, by conversation, by eating together, sins are spread like a drop of oil in water.

Manu also (says) in chapter XI :—

No dealing whatever should be had with sinful persons, with their sins unatoned for. Those who have undergone penance should not be censured at all.—18.

By such passages as these, the rejection of remarried people according to the Shastras becomes a necessity. It also accords with reason ; because it is actually observed in this world that the tendencies of men's minds are good or bad according as they associate with good or bad men. For this rejection of the remarried people, however, cruel-heartedness cannot be attributed to the Aryas, who are always strict in matters of religion. Had it not been for the excessive kindness of their disposition, they would not have objected, as they now do, to the killing of animals, &c.

That the widow's duty of not allowing the nuptial bed to be violated is preferable to her burning herself on the funeral pile of her husband, has been established by the Institutes of Manu. This is also in accordance with reason ; because the torments of passion to be endured by a widow are in no way so horrible as her being actually burnt. But if it be still urged that the bearing of the torments of passion by a widow is not desirable, then legislation must also be asked for to do away with celibacy and many similar observances. Properly speaking, therefore, in order to avoid immorality, it is better to resort to independent means rather than to bring into existence immorality of a grosser type in the shape of the remarriage of widows. In this world there are (many) wicked persons, such as adulterers, thieves, robbers, &c., who, if resistance is offered to them while they are engaged in perpetrating their evil deeds in lonely places, commit other evil deeds, such as murder, &c. But in order that such murders, &c., may be prevented, the persons in question cannot be allowed to commit adultery, theft, robbery, &c., as being only lesser evils. Similarly, in order to prevent the killing of embryo, &c., an open permanent practice cannot be allowed under the name of remarriage as being a lesser evil (than the killing of the embryo). But as evil deeds are prevented by means of prudent counsel and wise policy, and are met by severe measures after their occurrence, similarly steps should be taken to prevent unchastity in widows. This is the opinion of those wise men who know the secrets of their religion and are acquainted with its practices. The advantages of the non-violation of the (bridal) bed are evidently non-deviation from religion in the case of the widows and of their guardians, preservation of modesty and family dignity, and the observance of good moral conduct. The argument that the people belonging to the several castes could not prevent the reasonable abolition by Government of the practice of *sati* is not (ten-

able); because there is no law for directing the people to act contrary to their religion. On the contrary, the Queen-Empress and her several representatives have declared that they would not in any way interfere with the religion of the people. Moreover, the abolition of the *sati* has secured to the widows along with the non-violation of the (bridal) bed, and the benefits resulting therefrom in the next world, the hearing of divine truths, the giving of alms, and similar acts which procure salvation. It has also secured to her the benefits of this world, such as the control of house, riches, and sons, &c. But the same cannot be the case with widow-marriage, owing to its being contrary to religion, incompatible with the wordly benefits, such as the control of the house, &c., and opposed to human nature. Hence it is certainly desirable to the people that such evil (as widow-marriage) should be averted. The statement that there is no meaning in the saying of the learned men that the remarriage of widows is contrary to the Shastras, and that (therefore) it should not be brought into practice, must be rejected owing to no reasons having been adduced (for such a statement). If the aforesaid opinions had not such a strong hold (upon the public mind), then this very evil of widow-marriage would have long since come into use. The cause of the prohibition of widow-marriage by the Aryas is stated to have been their desire to check over-population. This cause was nowhere noticed before, and therefore it excites surprise. Portions of Shrutis, Smiritis, and Purans that establish the necessity of having sons, only prove that the Aryas were desirous to increase the population. Nay, this desire in them was excessive, as appears certain by the present practice of early marriages. A statement is further made implying that if a male be allowed to take another wife upon the death of the first, or to have many wives simultaneously, then why not extend a similar liberty to the females? With respect to this, the reply is as follows:—

It is not possible to admit equality between males and females in all respects; but it appears proper that in some respects the females are considered inferior, in some respects equal, and in some respects superior to the males. Females have to leave their fathers' houses. They have to leave their parents and other relations and to go alone to their husbands' houses, which may be very distant from the paternal roof, and to which they were hitherto strangers, there to suffer probably several hardships at the hands of their mothers-in-law, never even seeing the faces of their mothers for the whole of their lives. If there should be equality between males and females in every respect, why have not the males to act like the females in these respects, and why do not the husbands live in the wives' houses for half their lives and the wives in the husbands' houses for the remaining period? In case of equality in all respects between males and females, many other absurdities would appear which are not enumerated here for fear of lengthening out (this paper). The truth, however, is that the male is the enjoyer and the female a thing to be enjoyed. The bride is given by her father, &c., to the bridegroom with a (solemn) declaration, and not the bridegroom to the bride. By means of the gift the ownership over her of the father, &c., ceases, and that of the husband alone is created. But the ownership over the bridegroom of his father does not cease, and that of the bride is not created. Hence the enjoyer takes home the object of his enjoyment and places her under his control for life. In the opposite case she would place him under her control for life. The thing called woman is the crowning piece of all the objects of enjoyment in this world, and, being subject to the special power of the husband, is not, like a house, &c., capable of being enjoyed by the husband's relations. How much more incapable must she then be of being fit for remarriage and enjoyment by a stranger. Like a dining leaf* used (previously by another person) she is unfit to be enjoyed by another person. The remarriage (of a woman) is not possible for want of a (proper) giver owing to the fact that her father, &c., who have already parted with their ownership over her, cannot be her giver, and that a gift by a husband of his wife is contrary to the common usage and the Shastras, and that a gift by a dead man is impossible. She even ceases to be a virgin. The receiver (husband) has an absolute ownership over the wife, but the wife cannot possibly have such an ownership over the husband. Consequently men who have lost their first wives and are desirous of performing religious rites, such as feeding the sacrificial fire with clarified butter and are desirous also to have issue, marry a second time, as has been said by Manu in chapter V:—

* The Hindus use plantain and other leaves to eat their food upon. The leaves are thrown away after they are once used.

Having performed for his deceased wife the funeral rites, such as cremation, &c. (he) should marry again and should resume the ceremonies connected with the sacred fire.—168.

On the other hand, a widow not being authorized to perform these rites, and bringing forth a child by misconduct, being contrary to the common custom and the Shastras, she is not allowed to marry again. This is the substance (of the above verse). Again, the object of marriage is neither sexual pleasure alone nor bringing forth children, these being attained without the restriction (of marriage). But the end of marriage is chiefly the performance of

religious rites enjoined to a householder by the Shastras, and secondarily the attainment of the indescribable pleasure to be derived through mutual affection. Even, thus, therefore, it is not proper that after a woman's husband, who was all in all to her, has departed to the next world, she should contract the same relation (of marriage) with another person, and on his death with a third one (and so on). If a man, whose heart is full of affection for his wife, upon her death would not marry again, his mind being quite estranged (from this world), then let him by all means live the life of a widower or an ascetic, as the case may be. Neither custom nor the Shastras require a man whose mind is so estranged to marry a second wife. Again, since the writer desires a remarriage (for women) on (the ground of) equality between men and women, why does he not wish (also) that in case a woman has no offspring by the first husband she should marry (again) in his lifetime another man; and that in case of daughters of kings, &c., they should simultaneously have many men. If the writer says that he does desire (this), then ask Government to legislate on that subject also. (If he says) certainly that too will be done step by step in course of time, then there will be no difference between men and (the lower) animals. The statement "we will see who wins in the mutual dispute between the Government and the people" is made with a view to please the Government and to gain (the writer's) own object. I believe that our Government is wise, and that even after hearing (the writer's flattery), it will not without any reason pick up a quarrel with its subjects, nor will it interfere with the religion of any one (of them). The widows, saved as they are from being burned with force, of course deserve to receive protection of their religion and obtain food and clothing at the hands of Government. It is to be considered also that widow-marriage is by steps likely to be the source of another danger, namely, that in case a serious quarrel arises between the husband and wife, it would be thought proper that both the parties should by mutual consent effect a dissolution of the marriage tie in their lifetime. The authority of caste alone is employed in protecting religion, family (reputation), morality, decency, and customs (of its members). If such is not the case, then in the first place break through the divisions of caste, &c. The non-performance of widow-marriage is based upon Shrutis and Smritis, and is not devised by priests. This has long since been proved by the opinions of numerous Pandits of Benares and Poona. No institution that is opposed to the Dharmashastra of the whole country has up to the present time been introduced among the Aryas by any sovereign or his representatives. The duties of a widow are both to follow the husband (on the funeral pile) as well as to lead a life of abstinence. The latter, as commended by Manu and others, is the chief (duty). As to the duty of following the husband on the funeral pile, many (women) through fear of public (opinion) in vain suffered themselves to be burnt. Therefore the abolition of *sati* is consonant to (the Aryan) religion. So likewise is the abolition of infanticide. As to the practice of (being crushed to) death under the chariot (wheels) of Shri Jagannath, it is not ordained by the Shrutis, &c., that prevail all over the country: consequently there is not the least harm in not observing that custom; and hence even the abolition of that custom is not contrary to religion. As for widow-marriage, it violates religion outright, and is (therefore) a dangerous thing. The statement that we should go along with the times and endeavour to make our opinions agreeable to the people simply means that it is desirable that all the widows indiscriminately should by degrees see their way to remarry. But this is inconsist with the writer's own statement in the commencement. Government should not therefore endeavour to bring widow-marriage into practice. The object of marriage is not sexual enjoyment alone, but the chief end of marriage, as already stated, is the observance of religious rites, and by that means the acquisition of happiness in this and the next world. Consequently Government should, for reasons aforesaid, on no account interfere with religious matters. Hence, it was that Her Majesty the Queen-Empress, in the year 1858, issued a proclamation to that effect for the information of the people. If remarriage be brought into practice with force, it appears that probably no Arya would approve or follow the innovation; on the contrary, many who have been striving to preserve their religion and good name would oppose it. Therefore holding, as I do, that it is not proper that there should be legislation on such subjects, it is not at all necessary for me to examine into the merits or demerits of the body of law proposed by the writers.

Now I speak on the subject of child-marriages. The institution of child-marriages, that is, marriages in which the bridegroom and the bride are children and have not attained the marriageable age, is now prevalent in spite of its being opposed to the Shastras and to reason. The objections to child-marriages pointed out by the gentleman seem for the most part to be true. It is not, however, reasonable to say that they are the cause of child-widowhood, as the same cannot be avoided in the case of late marriages, if through bad luck the bridegroom were to be removed by death immediately after marriage. Let remain this consideration of finding out the merits or demerits of the paper. The marriage of a girl, both according to the Shas-

tras and according as it stands to reason, should be performed after the girl has commenced the eighth year of her age, and before she has completed the twelfth. The marriage of a girl performed, as is sometimes now the case, in her very young age before she has commenced the sixth year of her age is against the majority of the Shrutis and the Smritis, and is also not consistent with reason. Because it is not possible she can have in that age any idea of the happiness resulting from marriage, which in women's case is performed only once in their lives. Besides she does not possess the knowledge as to what her duties are in the parental house and in the house of the father-in-law, and as to how they should be performed. In the seventh year also of her age marriage is not commendable, as, according to some authorities on astrology, the same is considered to be unlucky, and as the time cannot be free from the objections stated before. Marriage after the twelfth year is also not proper, because then, owing to the approach of the menstrual period, the merit to be acquired by giving a girl in marriage cannot be obtained. According to the Smritis, both the giver and the receiver of a girl in marriage after the menses have appeared incur the greatest sin. Many wise persons, believing that the real menstrual period commences from the eleventh or the twelfth year, consider the tenth as the latest marriageable year. In support of this, there is the following in the Purans:—

A girl is called a *gauri* in the eighth year of her age, a *rohini* in the ninth year, a *kanya* in the tenth year, and after that a *rajasvala*—that is, one having the menses.

The menses are formed in women in their eleventh or twelfth year. If the flower does not disclose itself out, still it exists within. One goes to the *nak* world by giving a *gauri* in marriage, to the *vaikunth* by giving a *rohini*, to the Brahma world by giving a *kanya*, and to the *raurav*, hell, by giving a *rajasvala*.

In the Brahma Puran, in the Gautami Mahatmya, it is stated that "a father should try his best to perform the marriage of his daughter from the fourth year of her age upwards till before the completion of the tenth year."

In this way the period till the tenth year of a girl's age is considered the best period. Manu says:—

A man aged thirty should marry a good-looking girl aged twelve years, and a man aged sixteen should marry a girl aged eight years. By marrying (a girl) before this time, a man neglects his religion.

Although in the Brahma Puran the words "from the fourth year upwards" are mentioned, still the marriage of a girl should not be performed before the completion of her sixth year, as there is a prohibition against it in the following and other verses:—

A girl should not be married before she is six years old, bacause in the first two years of her age she is enjoyed by the god *Som*; in the next two years by Gandharv; and then in the next two years by Nal.

In portions of the Shrutis this subject is discussed at large; but through fear of enlarging (the paper), I refrain from giving quotations from the same.

If the present condition of the people be fully considered, the fixing of the marriage time after the tenth or twelfth year would deprive a girl of her kanyatva, that is, girlhood; and the marriages which would be quite disapproved of by the Shastras would necessarily lead to vice. The taking of a girl's hand at the abovementioned period, sanctioned by the Shastras, would under the circumstances, lead to happiness. The time for a man's marriage is not assigned with the same precision as that for a girl's marriage. The thirty years age, &c., mentioned is not suited to be carried into practice in the present times. It is objectionable if the present period of man's life be taken into consideration. There is also no obstacle in the way of its being transgressed; and there is every possibility of there being occasions for a man's fall on account of the breaking of the abstinence vow by the time the age has approached. It seems reasonable, therefore, that a man should marry after he has commenced the sixteenth year of his age and before the twentieth year, or some time after that. It is, however, evident from the Shastras, and is also consistent with reason, that the consummation of the marriage should take place only after the appearance of the menses in the wife. When such will be the case, the bringing into existence a weak population, &c., would of itself be prevented. There exists a practice according to which parents and others, with the object of getting money, marry their daughters, &c., to very young and sometimes to very old persons. This is a very sinful practice, which is particularly disapproved of by the people and by the Shastras, and should in every way be put a stop to; because great blame attaches to the selling of girls. It is really praiseworthy if the price received for the girl be used for her benefit in bad times; but really speaking the practice of selling girls is extremely disapproved of by the Shastras, and thus no money should ever be received on account of a girl. It seems necessary that a law, which would be in conformity with the Shastras, should be made in order that this great principle of religion may be strictly observed. I often admire the great efforts made by the gentleman for the good of the country at so much sacrifice of money and bodily labour. I am confident and have no doubt, however, that our sovereign, who governs the people with justice, who removes the people's grievances after hearing what they have to say about the same, who does

not shake the people's beliefs in their respective religions, who consults the people when he has to make any laws, who promotes arts and manufactures, and who possesses foresight to look into the results of good and bad actions, will not interfere with the religious and social practices of the people; and respectfully hoping that the sovereign's prosperity will daily increase, pray God for the same.

From J. MONTEATH, Esq., Under-Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department,—No. 1751, dated Bombay Castle, the 12th May 1885.

In continuation of my letter No. 1504, dated the 25th ultimo, I am directed by His Excellency the Governor in Council to forward herewith the opinion of Mr. Gokuldas Kahandas Parekh, B.A , LL.B., on Mr. B. M. Malabari's notes on "Infant Marriage and Enforced Widowhood."

From GOKULDAS KAHANDAS PAREKH, Esq., B.A., LL.B., to the Secretary to the Government of Bombay,—dated Bombay, 1st May 1885.

With reference to the Under Secretary's letter No. 4161 of 13th November 1884, in the General Department, I have the honour to submit my opinion as under, in connection with the proposals made in Mr. Malabari's paper on "Infant Marriage and Enforced Widowhood."

2. Infant marriages and enforced widowhood are evils of a very serious character, and in my opinion strong measures may properly be resorted to for repressing them. My suggestions and opinions have reference particularly to the higher castes of the Gujrati Hindus.

3. In reference to the question of infant marriages, there are three causes that principally operate to assist in their continuance. So long as these causes are in force, it will be difficult to prevent infant marriages. It is therefore necessary to take such measures as would strike at the root of these causes. These causes are as under :—

(a) Non-calculation of the effects, and indifference to the results, of early marriages.

(b) Very small caste sub-divisions, limiting the number of brides and bridegrooms for one's selection.

(c) Gratification of vanity in reference to the caste by the betrothal and marriage of children while mere infants.

4. In reference to the first of these causes, I can safely say that it is only a few parents that calculate the remote and indirect, but at the same time the most serious, results of infant marriages. The majority blindly follow the footsteps of their fathers and grandfathers before them and of their friends and relations in their own times. Attempts should therefore be made to keep the evil results of the system well portrayed before all eyes. For this there should be meetings and associations to discuss the effects and draw the attention of particularly the less educated mass of the society to them. Lectures dealing with the evils should be delivered here and there. Magazines and tracts on the subject should be published and circulated freely; some lessons on the different phases of the evil should be inserted in the reading text-books of the Educational Department. These means will keep the eyes of the people open, and prepare their minds to look with favour to the reform when it is introduced by people who have the courage to take initiatory measures.

5. The most potent cause of infant marriages is the minuteness of the caste. Sub-divisions grow out of sub-divisions, till some of these sub-divisions grow so thin as not to be able to number a few tens as their members. All castes have a tendency towards disintegration. The present castes are the result of the disintegrating tendency, and the disintegration is progressing from day to day. In such sub-divisions the numbers of unmarried girls or boys should necessarily be very small. A large number of these would again be unavailable to a person for marriage by being related in the agnatic line, however distant, or by being within the sixth degree in the cognatic line. In some cases there are only one or two persons to which the selection of the bride and bridegroom is necessarily confined. The parents of girls feel that they are bound to marry their daughters before they reach the age of 11 years, and the parents of boys feel that to marry their sons would be the highest good that they can do them. Under these circumstances, when in the case of a daughter, parents see that unless they marry her at once the one or two bridegrooms that there are open for their selection would be availed of by others, and that they would be disabled from marrying her before the eleventh year, and that they would thereby incur a religious sin and social degradation as regards the caste, they would seize that opportunity to marry their daughter, quite disregard-

full of the evil results of infant marriages. The same consideration works on the parents of a son, when they see that by not availing themselves of the then opportunity they would make the event, which in their opinion is essential to make him happy, improbable or removed to an an indefinitely long period. When intermarriages are restricted within such narrow limits, one cannot be inclined to blame parents, who are prepared to accept the evils of infant marriages rather than leave their children in probable danger of a condition which, according to their views, is one of life-long misery and ignominy.

6. The other cause which principally assists infant marriages is vanity. The circumstance that a man's son is betrothed while yet a baby in the cradle is considered popularly an indication of his high position in the caste, and that another man was not able to get his son betrothed so early is an indication to the contrary. This feeling of vanity operates so strongly that in numbers of cases people fully competent to realise the disadvantages of infant marriages, and who have no ground to apprehend that their children would be left unmarried at early ages, would anxiously seek betrothal and marriage of their sons when mere infants. This cause is more remarkable, inasmuch as a large number of educated people, who have gained a position in their caste by the acquisition of wealth or some high office under Government, yield to it either from their own vanity or the vanity of their wives and mothers, the evil results of which they are not strong enough to keep down. It is a painful thing to observe that sometimes those very people who should be expected to raise a crusade against infant marriages should thus furnish bad examples for their less enlightened and less educated brethren to copy.

7. In some cases there are apparently no sub-divisions, but there are degrees in the caste positions of different members; and there is then on the part of parents a strong desire to marry their children, and particularly daughters, in the highest families available to them. Members of high families restrict the giving of their daughters to their equals for fear of losing position by their marriage in families of lower standing. Those of the lower grade find difficulty in getting sufficient girls of their positions; as those of their own standing, who are able to afford, try to marry their daughters to sons in families whose caste position is superior. In such cases infant marriages thrive as the consequence of the combined effect of the second and third causes above named.

8. These causes, and particularly that which narrows the circle of eligible brides and bridegrooms, lead to results which even to the eyes of the orthodox seem most appalling; but they are accepted as the necessary outcome of the present state of things to prevent the wholesale annihilation of caste sub-division. Thus in some castes marriages between members of the same Gotra, or between persons otherwise within the prohibited circle of relationship, though prohibited by law, are recognised. The custom of marrying within prohibited degrees is of recent origin; such marriages are in my opinion of doubtful validity.

9. Another practice equally repugnant to the notions of orthodox Hindus, which has arisen from the difficulty of getting a sufficient number of eligible girls, is the very abominable system of exchanges. The family of *A* can only get a bride for one of its boys from *B's* family on condition of *A's* family giving one of its girls to a boy in *B's*. In many cases there is no bride to be got unless there is a bride for exchange. This practice has gone so far that sometimes when the bride's family has no present necessity for a girl, there are conditions made to the effect that the future female issue of the marrying girl should be at the disposal of the members of her parent's family for the purpose of procuring in exchange girls for boys that might be born in the family. In some castes no bride can be got except on condition of exchange.

10. The remedy that I suggest will strike at the root of both the courses together. Influential movements should be organised, each including all such castes as are of the same social standing and mix at dinner for the purpose of removing all restrictions against marriages when the parties, though not belonging to the same caste or sub-divisions, belong to castes which mix with each other at dinner. If these movements fail, then my proposal is that in the event of a man marrying the girl of a person belonging to another caste or subdivision of the same caste with whom the members of his caste mix at food, the legislature should restrain the caste of the husband from excommunicating him and of the parents of the bride from encommunicating them. By restraining, I mean that the legislature should declare such action on the part of the caste illegal, and visit it with a small fine. This course will increase the number of girls and boys available for selection, and, by lowering the importance of the existing individual castes and sub-divisions, diminish the desire of people to seek position and honour in them.

11. I am of opinion that the proposal I make will not give rise to much opposition. As in most cases the castes and sub-divisions of castes that mix in food are offshoots of one original

caste, people do not look on such intermarriages with disfavour. As things now stand, the person who gets a wife from a caste with which his own mixes in food is only suspended from his caste and readmitted on payment of the fine. But the caste of the father giving the girl in marriage punishes the man very severely, because they are afraid that if his example be followed the number of marriageable girls would diminish. People generally, except those who are interested, will hail the change: the orthodox on the ground that those causes that necessitate incestuous marriages and the exchanges of girls would be removed, and the reformers on the ground that it will do away with the most important causes of infant marriage.

12. I consider it necessary to state why, when in my opinion the proposal that I make would be acceptable to a large majority of the people, they should not arrange this among themselves, and why a necessity under certain circumstances for invoking the assistance of the legislature is anticipated. The reason is obvious. This movement cannot be a movement of one or two castes, but of all castes of the same grade united: the combined castes from such an unwieldy and massive body that their opinion could not be obtained. As regards individuals, they are afraid to be severed from their relations from the action of the caste, who cannot sanction any movements of its members in this direction so long as they are not sure that they would be reciprocated by the other castes. As regards those few people who would not care for the caste, their joining together will confer no good, as they would thereby be merely adding a new caste to the large number that exist. In my opinion if there is a legislative measure of the kind I propose, all difficulties may be got over.

13. I also think that it would be good if the legislature makes all contracts of exchanges of girls void and unenforceable.

14. I dislike the idea of persons selling their girls in marriage for money, and should be glad to find some practicable way of preventing the practice. The plan Mr. Malabari proposes of depositing the money in her name and for her exclusive use does not appear to me practicable; such a law could be evaded in a number of ways. I am unable myself to suggest any reasonable remedy.

15. In cases of grown-up husbands marrying very young girls, the consummation takes place sometimes too early. This leaves a lasting effect on the girl's constitution. I propose that the definition of the offence of rape may be so modified as to render intercourse with the wife, before she completes her twelfth year, or, in the case of her reaching puberty before the completion of the twelfth year before her reaching puberty, illegal. The punishment for the consummation between the tenth and twelfth year might be lighter than that of consummation when she is under ten years of age; but it is necessary that such a consummation should be declared illegal and punishable.

16. I am unable to accept Mr. Malabari's suggestions to exclude persons who have been married early either from university curriculum or the public service. By adopting the suggestion, children themselves innocent would suffer for the ignorance, vanity, or obstinacy of their parents.

17. The picture painted by Mr. Malabari, in the last paragraph of his paper on infant marriages, appears to me to be too highly coloured. I have not heard of any instances of fathers marrying infant boys to girls much older than them in years from criminal motives.

18. In reference to question of widow remarriages, I am of opinion that the legislative provisions that exist have not gone far enough. To those persons who consider widow remarriages disallowed by the Shastras, it ought not to have a worse aspect than adultery; and if it were not for the Remarriage Act a widow, who has remarried would have been treated as an adulterous widow, assuming that the Shastras are against such marriages. It is therefore necessary that the position of a remarrying widow should be legally and socially not worse than that of an adulterous widow; and so long as the law keeps the position of an adulterous widow higher that than of a remarrying one, I think that it fails to go to that extent to which it ought to go. As things now stand, in several matters the legal and social position of an adulterous widow is superior to that of a remarrying one. Thus, for instance, a widow as soon as she remarries becomes divested of all interest in her late husband's property; while no adultery, however open, can divest her of the interest which she has acquired by inheritance, &c., in her husband's property. Her Majesty's Privy Council and the High Courts of Bombay and Calcutta have all laid down that adultery does not divest the widow of interest once vested in her (I. L. R., 5 Cal., p. 776; 13 B. L. R., page 14; Bom. H. C. R. A C. I., p. 25), while the Widow Remarriage Act effects that divesture (see section 2, Act XV of 1856).

19. Then again an adulterous widow is entitled to retain the custody and guardianship of her children, while the remarrying widow is deprived of them.

In this way the law in my opinion is insufficient, and holds out inducements to widows to lead immoral lives rather than remarry.

20. I next consider the relative position of the adulterous and the remarrying widows so far as the caste is considered. In the higher castes, when a widow remarries according to the present practice, she immediately loses her caste, and the decree of the caste deprives her of the company and association of her parents, brothers, sisters, and others for whom she would have considerable love and affection; but no such result follows adultery, however clear and convincing be its evidence. I am of opinion that the legislature has a right to insist that so long as a caste considers adultery of its widows to be matter not falling within its cognizance and do not make it punishable by its rules, they cannot make punishable what according to their view should be only another form of adultery, particularly when the law recognises it and the religious ceremonies remove the taint of sin and immorality. I think a provision of the legislature rendering the excommunication of a remarrying widow, her husband, and relations punishable when the caste rules do not visit adultery without the sanction of marriage with punishment, to be a just and proper one. To my mind it is not very difficult to make legislative provisions in this matter, which may not unduly increase the power of the caste in reference to the action of individuals, and at the same time leave its autonomy in other matters intact.

21. A majority of persons object to legislative interference in this matter, because it creates a bad precedent, and because they are afraid that if the legislature once interferes, it is impossible to say where it would stop. So far as the abstract power of the legislature is concerned, no one can deny that it has the power to legislate in this matter, so the precedent would not indicate any acquisition of new powers by the legislature. I propose interference in this case because the evil is of an extraordinary and exceptional character and dimensions, and therefore there should be no fear of the repetition of the interference in ordinary cases.

22. Then again the restriction against widow remarriages is hated and disliked, more from the number of crimes of which it is the cause than from sympathy towards the miserable widows themselves, and the legislature, though it ought not to put its hands on mere matters of social reforms, is, I think, bound to restrain individual liberties and the liberties of recognised bodies, when it is satisfied that without its intervention crimes of serious character of which a large number of persons regularly become victims could not be efficiently checked.

With a view to check miscarriages and child murders, and sometimes the suicide or murder of the unfortunate widows themselves, I further propose that there should be a law compelling every widow of those castes in which remarriages are not permitted, who is in the family way, to her condition registered, and that strict inquiry should be made of the causes when she dies in that condition or miscarries, or when her child dies within some specified time from her delivery, and an omission to get herself registered should be made criminally punishable. The establishment kept for this purpose should work independently of the police, and the registers, &c., should be kept out from public inspection; otherwise the great fear of exposure would encourage the evasion of the law.

From J. MONTEATH, Esq., Under-Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department,—No. 1846, dated Bombay Castle, the 18th May 1885.

His Highness the Rao of Cutch.
His Highness the Thakor Saheb of Bhavnagar.
His Highness the Thakor Saheb of Morvi.
The Regent of Kollhapur.

In continuation of my letter No. 1751, dated the 12th instant, I am directed to forward herewith letters from the Honourable V. N. Mandlik, C.S.I., and from the Native Chiefs named in the margin, containing their views on Mr. B. M. Malabari's papers on "Infant Marriage" and "Enforced Widowhood."

From the Honourable V. N. MANDLIK, C.S.I., to the Under-Secretary to the Government of Bombay, General Department,—dated Bombay, 3rd April 1885.

No. 4164 of 1884, General Department, dated 13th November 1884, forwarding for my opinion two papers by Mr. B. M. Malabari of Bombay.
No. 296 of 1885, General Department, dated 28th January 1885.

I have the honour to acknowledge the receipt of the letters noted on the margin, and beg to submit a few remarks on the subjects referred to in the accompaniments to the first letter, on which I have been requested to report by His Excellency in Council.

2. At the outset, I beg leave to observe that there is no enforced widowhood in India at present, nor is there any such a general early marriage system prevalent amongst the Hindus

as can be remedied by Government action, either executive or legislative; and that Government would do well to refrain from interfering in matters which, even when viewed from the most advanced point of European thought, are quite outside the pale of Government interference, and which the Hindu community consider as peculiarly the province of their own religious constitution, the violation of which in the teeth of solemn State guarantees would be regarded as an evil of vast magnitude.

3. The writer of the above notes, Mr. Malabari, is not a Hindu. And although the Hindu system is so catholic that some of the oldest works thereon receive the wildest tribes like the Shabaras within its folds, and although it is so tolerant that it leaves people of all races and creeds free to worship God according to their own beliefs, yet no one but a Hindu can possess that intimate knowledge of the Hindu Shastras, and the daily observances enjoined therein, which is essential in any writer who attempts to prepare papers on the questions now placed before Government. And I must distinctly say that the writer in the present case (so far as his papers show) appears to have no qualification whatsoever to sit in judgment upon the entire Hindu community of India of whose customs and practices he seems to know nothing, and could but know very little. He gives no authority for any of his statements, and, beyond a cloud of words and the free use of imputations of all manner of crimes and follies to the Hindus, there is little in the papers that renders them attractive, and there is still less which entitles them to be regarded as State documents. They are besides full of contradictions and sophisms.

4. I shall take up the second note first, *viz.*, that on "Enforced Widowhood." To become a widow is a misfortune. There is no balm to a soul so wounded except the one obtained by entering into a higher kind of life, abnegating oneself on the altar of duty, and sacrificing *self* to a higher *self* in a manner recognised by the highest religious sanctions as well as by the sanction of society, and by training the mind and body so to live in this world as to qualify one's self for a higher. This is the accepted doctrine and practice of the Hindu Shastras, which the highest minds have adopted and still pursue more or less successfully. What does the actual condition of the people disclose? The simple but effective *Sávitri Upákhyána*, which is religiously observed throughout Hindustan, shows that the second marriage of a woman is opposed to Hindu religious convictions. The *Sávitri* day or days are the holiest festival for female India. Government may refer to authorities from the Mahábhárata down to the *Vratarája*.

5. Taking another view of the subject, the Government of British India has long since done all it could do (if not more, as the majority of the people think) in this matter. By Act XV. of 1856 any Hindu widow is free to marry if she likes, and her progeny is looked upon by the law as entitled to succeed as other Hindu children. The restriction on individual freedom of action being thus removed, to speak of "enfored widowhood" is merely to employ the term in a literary sense; for I beg leave to state that the words are out of place altogether when advanced in what is intended to be a State document.

6. Several years ago, a Hindu genleman invited by circular one hundred persons of his own caste, and of proper social standing and strong courage, and with a number of similar attributes (I forget his exact words) to give him an assurance in writing that they would dine with him if he married a widow of his own caste. The proposal was no doubt looked upon by the people addressed in the light it deserved; for nobody was known to have joined this Luther of rose and lavender. The movement must have died a natural death, for nothing more was heard about it. The present scheme for cajoling or worrying India against its own convictions into compliance with the notions of misinformed visionaries is more audacious and mischievous, for we are to have Members of Government on the roll of patrons. One can scarcely disguise a feeling of contempt at such an exhibition of moral helplessness and feebleness as running up to Government for the amelioration of every social evil, real or imaginary. I cannot, I regret, accept with complaisance the compliment which the present writer impliedly gives to the Hindus as being so utterly incapable of self-action. Such a supposition argues ignorance of history, past and present. The Hindus have never lost their originality through countless revolutions and varying cycles of time. Has the effect of English education which has brought them into contact with Milton and Shakespeare, Wordsworth and Tennyson, Goldstücker and Müller, and their worthy compeers in the republic of letters, so enfeebled their intellect as to make them forget their own Bhíshma Bali, Vasishtha, and Janaka, and other illustrious ancestors and lose their own self-respect.

7. It is now thirty years since the Act (XV. of 1856) was passed, and if the results which the friends of that Act calculated upon have admittedly not been realised, it only proves that the legislature has been in advance of the remarriage-seeking community, in whose temporal interests they were asked to interfere against the protest of the majority of Hindu India, and

the unanimous opinion of all the Sadr Diwani Adawlats in the four Presidencies; and that the Act itself is opposed to the general sentiments of the Hindu community. It may be generally said that in classes to whom custom has opened the way, remarriages do not, as a rule, take place. It is admitted by the leader of the progressive Brahmos of Calcutta that such marriages are opposed to Hindu sentiment, even in the case of persons divorced from caste. The whole Hindu Bengal has pronounced a similar verdict.

8. It is hinted that the disposition to perform remarriages is general amongst the people, but that it is stifled by the influence of caste and horrors of excommunication, to which allegation I reply that it may not be inaptly said that the present is an attempt to set up, under the auspices of Government, a certain class of people as social martyrs, a position degrading to all who seek it and subversive of the highest interests of the community. I would here request the attention of Government to the just observations of the British Indian Association of Bengal who have lately addressed the Bengal Government on the subject:—

The Government is pledged to neutrality in religious and social matters; it is to continue to profess to abide by that pledge, but at the same time it is to aim, in the words of Mr. Malabari, "a deadly blow" at what the pledge requires it to let alone. The attempt made to draw a line of distinction between legislation and executive action is futile. It is quite impracticable in the case of this country. As a subject race, living under a foreign Government alien in race, religion, language, habits, manners and customs, the people of India cannot recognise any such distinction.

I submit no individual has a right to complain that his fellow cast emen will not socially mix with him, if he himself voluntarily breaks their rules. All that the Hindus plead for is to be left to their own social rules and obligations. Their opponents would rather use two yards or measures, one for buying and another for selling. I would also observe that Mr. Malabari is wrong in his facts as to excommunication. It is not what it was once said to be; and if it were even a hundred times more powerful, those who deal in the way some "reformers" try to do have no right to complain, if they are done by as they wish to do, and that by a simple moral agency which only wishes to be left as free as themselves, and as such claims to be beyond the pale of Government interference, either executive or legislative.

9. Coming to the last part of this paper, I observe that there are four proposals which are submitted to Government:—

I.—In regard to the first, my answer is partly anticipated by the foregoing remarks. The Government can and will, I submit, do nothing in their, as it seems to me, peculiar position, and ought carefully to abstain from giving any encouragement whatsoever to people who come up to them on such errands as Mr. Malabari does, which is a cheap way of gaining popularity, but has, I am sorry to say, already done more harm than good. The scarcely concealed parade by Mr. Malabari of his own doings in this connection is not calculated to increase the people's confidence in the application of State agency. For obvious reasons I say no more.

II.—As regards the second proposal, a mere statement of it is enough to show its wild and chimerical character. How is Government to ascertain whether a widow has adopted perpetual seclusion or whether it has been forced upon her? Are the Magistrates to be empowered by law to pay domiciliary visits and set up a social inquisition into the sacred hearts of Hindu families throughout India? I would most seriously request Government to consider the position. Are the Hindus to advertise their family affairs? They (male and female) are constitutionally averse to discuss them except in their own ways and in their own families. They are quite prepared to do as they would be done by, and I beg most respectfully, and yet emphatically, that they should be left alone in the free exercise of their own rights. In one part of the paper it is said that the widows are so far advanced that they set forth their grievances "in prose and verse, in odes and elegies, in piteous appeals and memorials, to the Collectors of the districts and the mother-Queen." If so, this second proposition is a contradiction in terms. A woman who has advanced so far is surely free to dispose of her own person as she pleases. There is no law that I know of standing in her way, nor is there any unlawful social combination throughout the country which she could not legally put down by an appeal to the nearest Magistrate or Subordinate Judge. The fact of the matter, if I may so say, is that this overdrawn picture has its counterpart only in the imagination of the writer. There is a general belief amongst Hindu women that a second marriage by an widow imperils the future happiness of both her own and her deceased husband in heaven. To secure this happiness is the object of *Sàvitrí* observances all over India, to which I have already referred;

and I know of no State machinery which can be effectually employed to counteract this universal prevailing sentiment.

III.—The third proposal is, if possible, still more objectionable. Every subject of the empire has a right to complain of those wrongs which by law can be redressed; but that the general revenues of the empire are to be wasted upon domestic squabbles is a proceeding only on a par with the above proposals.

IV.—The fourth proposition is one the answer to which has been almost anticipated in the course of the above observations. I beg to add that the principle underlying this is open to serious objections founded on the highest considerations. Excommunication generally follows a caste meeting and the common deliberations of its members; and whether it is the *chaudhri* or the *thánai* who gives effect to the fiat of the community (for no learned priest *ever* goes about to my knowledge), he is no more guilty than any other member of the body to which he belongs. If the excommunication is wrong and actionable, no doubt those who proclaim it will deserve punishment; but the *boná fide* assertion by a caste of their own rights for their own protection is not only allowable and allowed in practice, but the assertion of the opposite doctrine denying to the members of a caste the power which they undoubtedly possess, of expelling from their society those who offend against their rules would be tantamount to depriving such bodies of the right of determining what people they will associate with themselves in their social circle. Freedom of action has been secure to the Hindu widow by law. She is now free to do as she pleases. No one can touch her *statutory* rights. But the Hindu caste only seek to exercise their own freedom in matters which they consider as pertaining to their own religion and society, and they have a right to insist that the uniform, and in this respect fundamental, policy of the State should never be departed from.

The Hindu community may have its shortcomings; but, with submission, it need not fear its detractors, whoever they may be. Leaving the past (the memory of which is scrupulously preserved by the daily practices of the people), if a modern Ahályabai at Indore could dispense justice like Dharmarája from behind the *parda*, could strike terror into the hearts of neighbouring princes by plain letters, and yet could so sanctify her life as to make her shrine an object of devotion to her votaries at the present day, the widows of India are in excellent company and need no lecture from the present writer.

10. The discomforts of unwedded life and the evils of illicit child-bearing cannot be rooted out by any action of Government. The history of the world furnishes ample evidence in support of this position; and I will not make remarks offensive to any particular nation or community. To talk of the responsibility devolving on Government by the prohibition of *sati* simply betrays want of knowledge of the state of Hindu society. Even when *sati* was not prohibited by Statute, the number of women who sacrificed themselves on the funeral pyre was very small, and the prohibition of that custom cannot be said on that ground to have influenced to any appreciable extent the condition of the widows of India. If the writer thinks that he is surrounded in Bombay by five lakhs of the follower of what he is pleased to call "a foul superstition," he must know his own remedy for securing his own welfare. His mode of warfare is singular. On the one hand, he wishes to persecute priests for doing what they believe to be a religious duty and a social right; and on the other, he would applaud them as not altogether "devoid of sympathy," nor "so bigoted as to deprecate social progress." The truth is, I am sorry to say, the writer is carried away by his own verbosity. I will not therefore trouble Government with further criticism on this portion of the paper. I do not know whom the writer proposes to engage in doing the work here indicated; but in speaking of the "average educated men," he forthwith styles him the "young reformer" and yet that he is subsequently thus portrayed :

Mordern education has made him impatient and offensive. He has no hold on the popular mind.

I trust, if this is a correct portrait of Mr. Malabari's friends and patrons, those whom the cap fits will know how to deal with this matter, and settle their own accounts. Meantime I only beg permission to add that, whether it be reformers or other men, if they do not properly understand or feel sympathy with Hindus, they can do the Hindus little good, and therefore it is useless for such persons to go up into the pulpit.

11. In reference to the paper on early marriage, the ground one has to traverse is equally delicate. I am sorry to find here again Mr. Malabari has resigned himself too much to the guidance of an ungoverned imagination, and this, as well as his own position as a non-Hindu,

has evidently betrayed him into mazes from which extrication would seem to be difficult. This may be seen from statements quoted below. The first is that the area of selection is, in his view, so narrow that "practically Hindu parents have to make Hobson's choice," "accept the first boy or girl available or to buy one who comes the cheapest." This is not true of Hindu society. Receipt of money from the bridegrooms or their parents is considered the mark of an *Asura* marriage. And it is looked upon as sinful. The whole picture in the first paragraph is miscoloured. I dissent entirely from the statement about "married martyrs." As a rule, the communities represented are sufficiently large. But supposing they were small, I fail to see the bearing of that circumstance on the question of early marriage. If caste narrows the area of selection, late marriages cannot cure the evil. Mr. Malabari's sneers against caste may be offensive, but are not likely to do much harm. Those who wish to renounce their caste are quite free to do so; but it is quite clear that one cannot be both in a caste and out of that caste at one and the same time.

12. In the next paragraph, again, the picture is equally faulty in outline and lamentably miscoloured. If evidence is of any value, I could cite at least ten times more cases of happy unions in early life, some even beyond the dreams of such writers. But I refrain. If a healthy mind in a healthy body may be accepted as good evidence, in order to judge of the results of such married life, I could produce the evidence of scores of families over at least three generations, producing men able and willing to work at fifty, sixty, and at ages yet higher. Those who mourn in these days of diseased constitution, of weakened intellects, and perhaps of perverted morals, of those whom they cite in support of their contentions, must seek the causes of such unhappy results in quarters other than those of those early married Hindus who have been trained under proper family influences.

13. At the risk of a short digression, I may observe that the "age of consent" which is all that is required for marriages (where consent is necessary) is 12 for females and 14 for males even in such advanced countries as the United States of America. In New York an attempt was made to raise these periods to 14 and 17 respectively, but they were so disrelished by the people that a law was passed in 1830 restoring the old periods of 12 and 14 as before. In the old Hindu institutes the marriageable age for females is 12; but that for males has been contracted by the gradual curtailment of student life, and a change in the social usages of the people. As I have said before, the system has not apparently injured those who have lived properly under it. I am not sure that (as far as my studies go) the same is not in force in many other countries. But were the case different, this is not a matter for Government to interfere with in the case of Hindus, for with them marriage is not a contract but is a religious sacrament, and as such, it is one of the most valued corner-stones of the foundations of Hindu society. If in human hands a few failures appear to have occurred, the system cannot on the whole be said to have been without any beneficial results in actual practice. If it is complained (as it seems to be) that over-population results from early marriage, it occurs to me that this is not only not borne out by facts, but that the reasoning is inconsistent with that alleged wretched physical deterioration of which it is supposed to be the motive cause. Is physical deterioration the cause of over-population? Again, in the next paragraph, where Mr. Malabari cries down the "let-aloneist," he is again lost in a jungle of words. If the people feel the necessity of avoiding such evils as are here depicted, I have no doubt they will act under it. But I do not exactly see how a class can be puffed up and cried down in the same breath as seems to be done here. If Mr. Malabari will not trust to education, I regret I cannot agree with him. I decline to believe in educational talismans which will work like the magician's wand. Institutions must grow, and so must habits; they cannot be imported at the bidding of anybody, and it would not speak much either for our advancing education or for our moral courage if the Hindus did not know how to regulate their own domestic economy. This is with reference to the higher classes. With regard to the lower ones, to say that early marriage obtains most widely amongst the most illiterate mass, is to betray the writer's own want of knowledge of the bare facts of the case.

14. Before going to the remedies proposed by Mr. Malabari, I must emphatically enter my protest against the statements in the last paragraph of this paper. With an experience extending over nearly all the Presidencies of India, and covering a period of more than 30 years of public life, I have not heard of such practices being sanctioned by the Hindu community in Western India or elsewhere. I can give instances amongst other advanced nations where young men have married and do marry women old enough to be their mothers (if not their grandmothers), but that I am not called upon to do. This, however, I must say that it is the Hindu rule both of law and practice that the wife *must* be the husband's junior in age. Any transgression of this rule (which is no doubt commendatory and not mandatory) would be looked upon as a great irregularity; and I have not the slightest doubt it would be

duly punished by the community which had been thus offended if properly appealed to. And further a fictitious marriage like the one here talked of would be abhorred like any other crime. I am sorry to say I do not exactly see the value of sensational writing on the present question. If it is sought to terrorize the simple religiously-inclined Hindus, that time has passed away. Magisterial prosecutions will promote neither early marriage nor second marriage.

15. I shall now briefly consider Mr. Malabari's proposals under this head.

I.—The married students are to be denied access to the University examinations.

The writer does not say how he is going to dispose of Muhammadans, Jains, Buddhists and other persons who do not profess Hinduism. What are to be the new formularies and articles of admission to degrees, and how is the diversion of State funds for social proselytism and indirect religious persecution to be defended by a State, whose foundation is based on the grand principles of social and religious naturality and complete toleration? I think such a proposal would be foreign to the laws which guide our Universities, and must be rejected. All aspirants to University honours will be admitted, if they are young men of good character. I am unable to encourage Mr. Malabari in the hope that the adoption of his suggestions would be welcomed by leaders of native society in India.

II.—This is a suggestion for an association. So far as this may be an appeal to the good sense of the community, it might do no harm; but it is for independent and experienced men to take the initiative, if desirable, and not for young men who are still in a state of pupilage. I would never encourage sons setting themselves up in opposition to their parents, as I have sometimes seen done. In my own opinion the drawback to these associations is that temptations to secede are often very strong, so that mental reservation and family necessities are sure to be pleaded, often with great force; and it will only encourage hypocrisy and a departure from truth if such associations are formed.

III.—This is a suggestion which is opposed no less to the dictates of common sense than to the highest principles of State policy solemnly enunciated in our charters. I deny that early marriage is the sole or the most important cause of native decline, and I am prepared to point out instances of men properly trained who have done as hard work as any other class of State servants, although they had married early. Is a married man necessarily inferior to the unmarried as a Government servant? I refrain for obvious reasons from running this comparison any further. Disparity of age is not unknown in England itself. I refer His Excellency in Council to the very wise observations of the British Indian Association in paragraph 11 of their valuable communication which I append hereto.

IV.—Mr. Malabari asks the Educational Department to prepare and disseminate tracts in the shape of a few chapters in their text-books on the subject—a demand which need not be commented on, for it simply means diversion of a State department entrusted with high functions intended for the benefit of all to the dissemination of the views of a narrow minority,—views utterly opposed to the most cherished religious practices of the vast majority. Were the department so to descend from its present height, such action would, in my humble opinion, tend to create most undesirable feelings of discontent, on the ground of improper State interference, whilst the alleged evils could, in no way, be diminished.

V.—This suggestion is that any money paid by the bridegroom be deposited in the name of the bride, and that a law should be passed to that effect. Apart from other objections and very serious ones, the proposal would, in effect, ask Government to declare that a girl may be bartered away, provided the money realised by such sale is placed to her credit. In my humble opinion, moreover, such a demand could not be entertained under the law as it stands at present. Where custom sanctions the receipt of a present like *pallá*, it is deposited at interest and paid to the bride after the consummation of the marriage, or rather after the perfomance of a *garbhádhána* ceremony, or some other ceremony equivalent to it. The Hindu law condemns such presents, and it is an exaggeration to say that in all cases of marriages between parties of unequal age, money alone is the motive for giving away the bride in marriage to an elderly person: and further it should be understood that any objections which exist against the giving away of brides for a pecuniary consideration apply with equal force to all marriages, whether the parties are of equal age or of unequal age.

16. In his revised note, dated the 23rd October 1884, Mr. Malabari gives it as his conclusion that the educated classes and all sensible Hindus are quite unable to help themselves without the aid of some authoritative regulation. This is a cheap form of casting the slur on my fellow-Hindus of being too imbecile to regulate their own concerns. Himself not being a Hindu, he may be quite safe in regard to his own position; but so far as Hindus are concerned, I beg to decline his patronage with my best thanks.

17. It is hinted that official pressure was required to induce the establishment of girls' schools in the mofussil: similarly it may be used now is probably the conclusion suggested. If there was improper pressure used, as is here alleged, I regret the occurrence, because I feel sure it must have been injurious to all,—to those who used it, and to those on whom it was inflicted. There can be no waste of force in nature: it must produce good or evil.

18. I beg to apologise to His Excellency in Council for the length to which this communication has extended. If I could have curtailed it, it would have been a pleasure to me. I have abstained since July last from saying a word, although privately appealed to do so; for I saw it was of no use. I was and am convinced that the matters which Mr. Malabari brings before Government pertain to the social and religious life of the Hindus, any outside interference with which will be highly demoralizing and productive of most serious discontent, and yet I came to the conclusion that I could do no good by writing to Mr. Malabari. Hindu society is not what Mr. Malabari paints it, and as some might perhaps think it to be. If there are things amiss within its own sphere, there is life enough therein to correct them. It is not at all stationary as some would make us believe. If people will not see, it cannot be helped. I see from a pamphlet just received that a minority of Hindu gentlemen are coming forward to beseech State interference in matters which, as I submit, are not objects of Government interference. For the sake of argument, even admitting the evil example cited, I ask why do not the writer and his educated compeers punish the monsters who are guilty of the practices complained of? Our greatest social and moral benefactors in Western India—Jnanadeva, Tukarama, Muktabai, Ekanatha, Ramadasa, and others were not helped by the human agency of armies, councils, and governments. They depended on higher power. Their noble lives tell their own tale. We in Western India worship them. Their temples, their memory, their writings, are now living powers. I say it with all submission that there is no royal road to these things any more than to others. People must try to *be*, to *live*, what they preach. It is a slow, painful process; but what is higher education I should like to know if it will not prepare men for such lives of self-sacrifice and noble self-abnegation? All these saints—male and female—lived between the 14th and 17th centuries of the Christian era.

19. Even on the most utilitarian view, these are matters which fall neither within the the necessary nor the optional functions of Government. They are rather the outcome of an attempt which, if it could succeed, would create a sort of artificial moral police, whose action would check and dwarf the national intellect, and, under pretence of doing some real or imaginary good, would introduce a system of State interference with the most cherished objects of Hindu domestic life, which, so far from befriending the people, would tend to their servility, stamping out all moral energy, and, in the long run, unfitting them for any of the higher purposes of life. I am sure this is a consummation which the Government of British India will indignantly repudiate, and in that hope rest not only the contentment of the community but the safety of the empire.

From BABU PEARY MOHUN MUKARJEE, Honorary Secy., British Indian Association, to the Secretary to the Government of Bengal,—No. 3, dated Calcutta, 26th January 1885.

I am directed by the Committee of Management of the British Indian Association to acknowledge the receipt of your letter No. 2640-58T.-G., dated 20th October 1884, and to submit the following observations on Mr. Malabari's notes on Infant Marriage and on Enforced Widowhood.

2. The Committee are of opinion that Mr. Malabari's notes are highly sensational and exaggerated, and on the whole so vague as not to admit of fair categorical treatment. In the first note Mr. Malabari does not even condescend to explain in what sense he uses the word "infant," which forms the basis of his argument. He uses the word also in such a way as to include ill-assorted marriages. Under these circumstances, the Committee do not consider it expedient to enter into any discussion as to how far the evils complained of are real and to what extent they are exaggerated. The more so, as the Committee readily admit, that under certain circumstances, in some castes and certain places, considerable harm is done by the practice of early and ill-assorted marriages.

3. Admitting this much, the question that is raised by Mr. Malabari's paper resolves itself into two branches :—

1st.—Whether there is any reasonable prospect of reform from educated public opinion?

2nd.—If not, whether the Government should take the matter in hand, and adopt the measures suggested by Mr. Malabari?

4. Mr. Malabari says that the influence of education is neutralized by that of caste prejudices, and that education cannot act in many instances by reason of the ignorance of the guardian of the boy or of that of the girl. This argument, in substance, means that education has not advanced sufficiently among the native community, and that to wait for it would be to retard improvement to an indefinite future, or make its progress very slow. Opinion must differ as to what should be looked upon as healthy progress in social matters, and how it should be accelerated; but taking a general view of things in Bengal, the province with which the Committee are most familiar, it appears to them that there has been a marked improvement within the last twenty-five years in people's ideas as to what should be the marriageable age for girls. Infant marriages, *i.e.*, marriages of girls under 5 years of age, have become exceedingly rare, and the average age of marriage for both boys and girls has risen to a marked extent, and the Committee would respectfully dissuade the Government from causing a reactionary movement by precipitancy and needless interferences.

5. It will be thus seen that enlightened popular opinion, at least so far as Bengal is concerned, has already begun to assert itself. The expensiveness of marriages and the hard struggle for existence are also affecting the age of marriage of Hindu girls in the same manner, and there is every reason to believe that as years roll on and education progresses, the custom of infant marriage will die a natural death in this as well as in every other part of India.

6. Were the case otherwise, and eduction and general enlightenment were condemned as not likely to bring on salutary changes in the civil condition of the people, still the Committee of Management of the British Indian Association would demur to the second branch of Mr. Malabari's scheme. The Committee have always maintained the principle that the intereference of the State in the growth of society can never conduce to its progress. The forces that govern its development must be born within, and can never be artificially created by any external agency. Mr. Malabari in a manner admits the force of this objection when he says—"I would not propose a legal ban to be placed upon it (early marriage)." But he adds—"Indirectly I think it can aim a deadly blow at the practice itself." He accordingly recommends indirect but effectual executive action. The Committee look upon this plan with grave repugnance. Indeed, the idea of doing that indirectly and silently what would be wrong if done directly and avowedly is, in their opinion, positively immoral. The Government is pledged to neutrality in religious and social matters; it is to continue to profess to abide by that pledge, but at the same time it is to aim, in the words of Mr. Malabari, "a deadly blow" at what the pledge requires it to let alone.

7. The attempt made to draw a line of distinction between legislation and executive action is futile. It is quite impracticable in the case of this country. As a subject race, living under a foreign Government alien in race, religion, language, habits, manners and customs, the people of India cannot recognize any such distinction. Laws are not made here by the people through their representatives, but by those who hold the Executive Government in hand, and their orders therefore, whether passed in the Legislative or in the Executive Department, have the same relation to the people. The only difference the people know of is, that laws are passed by the ablest and most experienced officers of State, after mature deliberation, and under carefully framed checks and safeguards against haste, indiscretion, individual bias, or misconceptions; whereas executive action is summary and immediate, and subject practically to no control or check. Under the circumstances it is impossible that the people can voluntarily allow, or view with other than the greatest alarm, any proposition which has for its object the indirect executive annulment of solemn pledges of the law of the land. No nation, whether subject or otherwise, can for a moment do so.

8. The Committee of Management of the British Indian Association are well aware that in a progressing society changes of social customs are from time to time necessary. But in such cases the changes are initiated by the people themselves, and the laws are changed at their desire and request, and not by an alien Government at its own will, or instigated by aliens, or persons who have seceded from the religion of those whose social customs are to be affected, and on grounds which must *ex necessitate rei* be more or less hypothetical. Mr. Malabari has entirely lost sight of this vital condition.

9. The specific measures of administrative action suggested by Mr. Malabari are—

1st.—Non-admission of married candidates at the different University examinations.

2nd.—Heads of Departments to give preference to unmarried candidates for office.

3rd.—Educational Department to prepare tracts condemning early marriage, and to insist upon their being used as text-books in Government schools.

4th.—A law requiring that the money received from the bridegroom in case of marriage between infant girls and old men to be deposited in the name of the bride for her exclusive use.

10. The first suggestion is opposed to the character of our Universities. The primary, nay the sole, business of the Universities is to ascertain, "by means of examination, the persons who have acquired proficiency in different branches of literature, science and art, and of rewarding them by Academical Degrees, and to include in that changes in the civil condition of the candidates would be entirely arbitrary and opposed to the spirit of the law. It will be, moreover, transferring summary power to corporate bodies formed of individuals of different nationalities, customs, and religion in questions which the Legislature is not permitted to take up. Early marriage may be bad, but the Committee hold atheism to be infinitely worse, and they hold that no liberal University on the face of the earth would prohibit all education to atheists; and to deny examination is to prohibit all education in Colleges. As a matter of fact the Buddhist subjects of Her Majesty the Queen-Empress are all atheists on principle, and the corrollary would be that the Government should have no school in Burma, nor permit any University examination to be held there.

11. The second suggestion is directly opposed to the specific terms of Her Majesty's gracious Proclamation of 1858, for it proposes certain religious customs to be bars to office. Early marriage is founded upon religious ordinances; and as it is not open to Government to enquire how far a nation's religion is right or wrong, so no one should be disqualified for following the religion of his ancestors. To meet this difficulty, it has been urged by Mr. Malabari "that the State has a right to insist upon having the best available servant, if not the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married, all other qualifications being equal," the evil of early marriage being gradual weakening of physical powers and degeneracy of the race. The Committee, in the first place, deny that it has been proved that early marriage is the sole or the most important cause of degeneracy of the native race. Climate, food, hereditary predisposition to disease, injudicious selection in marriage, and other causes of arrested growth, are potent factors in the case, and it is illogical to overlook them. Now, if native socity is to be reconstructed on the lines of the views propounded by Mr. Malabari, not only would it be necessary to repress, by indirect State influence, infant marriage, but also marriage in violation of established mental and physiological laws as inculcated in our own ancient books and recognized by modern biologists. The argument, moreover, is spacious, and such as it is, it applies to specific requirements for particular purposes, and becomes quite absurd when accepted as a universal axiom, and under no circumstance should be thought of in connexion with the British Indian Government. Accept the argument, and the case will stand thus: Europeans, as a rule, are of better physique, and therefore Heads of Departments should always select them in preference to Natives. Tall robust men are better in physique and hardihood than lean, lanky diminutive people; therefore tall men should be preferred to short men. Women are universally weaker in body and mind than men; therefore no women should ever be employed even as clerk in Government offices. Rice is not so nourishing as wheat; therefore wheat-eaters should always supersede rice-eaters; beef-eaters are superior to wheat-eaters; therefore they should supersede the others. Heads of Departments are almost exclusively Christians, and they believe Christians follow a nobler moral code than Hindus, Parsis, and Muhammadans; therefore Christians should supersede all other sectarians. In such cases individual predilections will supersede well-established principles. The Committee of Management of the British Indian Association are convinced that the Government will never listen to such fallacies. The Committee further beg leave to submit that it is one of their functions to advocate the interests of the particular class of subjects against whom Mr. Malabari aims this second deadly blow. That any rules of the kind if passed will put a stop to the marriages of men cannot be easily believed; but there is not the least doubt that such a rule would deprive thousands of people of their livelihood. How in the face of such aweful consequences Mr. Malabari has had the heart to offer such wrong and dangerous advice to the Government cannot well be conceived.

12. The third suggestion attaches more importance to anathematory tracts than what experience would justify. The Committee would deprecate its adoption, particularly because it would trench upon the time that is now devoted to more useful and important studies.

13. The fourth suggestion contemplates a new law, and, as according to Mr. Malabari's own principle no law should be changed, it falls to the ground. It is scarcely necessary to

observe that no law of the kind can be framed which would prove in any way effectual. However stringent may be its provisions, it will be defeated and contravened at every step.

14. These considerations, in the opinion of the Committee, conclusively show the great difficulty which environs not only the question of legislation for social reform, but also the question of utilising the influence of Government officers for that purpose; and when the peculiar constitution of the present Government of India is remembered, that difficulty appears to the Committee to be perfectly insurmountable.

15. With reference to the concluding paragraph of Mr. Malabari's note on Infant Marriage, the Committee would beg to emphatically deny the existence in Bengal and Behar of any instance from which a conclusion like that adopted by that gentleman can be drawn. Undoubtedly there may be monstrous crimes committed in India as elsewhere; but if Mr. Malabari means to affirm that fictitious marriages like those alluded to by him are contracted in a sufficient number of cases, so as to take away from them the character of exceptional crimes, and invest them with the character of a baneful and criminal custom, the Committee would beg wholly to demur to the correctness of his remark.

16. Passing on to the question of widow remarriage the Committee understand Mr. Malabari to be of opinion that, although there has been legislation authorising and recognising the remarriage of Hindu widows since 1856, the statute has remained a dead letter, because social customs, habits and feelings of the country have operated against it. If so, the term "enforced" is inapplicable to it, as it is calculated to produce a false impression. The freedom in regard to marriage which Hindu widows enjoy in India is as absolute as the law can make it, and quite as much as people have to abandon one religion for another. What Mr. Malabari really wants is, not the removal of legal difficulties or physical force, but special encouragement from the State. He accordingly proposes that the Government should rule—

I.—That no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will.

II.—That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her.

III.—That every widow, of whatever age, shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from the stamp-duty, attendance at court and so on.

IV.—That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals.

17. The Committee fail to perceive the consistency, propriety, or value of these proposals. The 1st rule is unmeaning in the face of the Widow Remarriage Act. No widow can be condemned to life-long widowhood against her will when she has the right of exercising her will. As a minor she has not that right, and must during her non-age remain content with the descretion of her parents or guardians, and the law must be oppressive indeed in an eminent degree which would transfer the guardianship to strangers who desire to help her to remarry. It is difficult to conceive the amount of mischief which such a law would bring on. Can the Government reasonably and efficiently take in hand the guardianship of such minors, and insist upon the natural guardians paying for the maintenance and support of such wards?

18. The 2nd rule drops the qualification "minor" and applies to all widows. The Government in these cases is to be the prosecutor, and to carry on inquisitorial proceedings of a character which would prove the greatest curse to any society on which it may be brought to bear. Mr. Malabari cannot have for a moment thought of the agency through which Government is to act in such matters.

19. The first part of the 3rd rule is redundant. Every widow has under the present law of the land power to complain to the civil authorities for any injury she may sustain by the illegal act of her caste men, and nothing further can be wanted, unless the object be to force her relations and neighbours to give up their civil rights for her benefit. The second part refers to details about counsel's fees, stamp duty, and so forth, regarding which the Committee do not think it necessary to make any remark. They do not quite understand what is meant by "attendance at Court." If it should imply that prosecutions may be carried on by muktears without the personal examination of the plaintiff, all safeguards to false, harassing, vindictive litigation will be removed.

20. The Committee have no experience of the rules followed by the Hindus of the Bombay Presidency in pronouncing sentences of excommunication, but they feel convinced that

Mr. Malabari, being a Parsi by birth and profession, has no knowledge of the social rules of Bengal. Here the priests have no hand in excommunications. The leading caste men, the heads of society, called *Dalapatis*, who represent the Punchayets of Northern India and the Mahratta Country, are the persons who decide such questions; and the 4th rule, if it is to be tolerated, should apply to them and not to priests. In Bengal, moreover, excommunication is limited to inviting and accepting invitations from persons put out of caste, and it is difficult to conceive how the Government is to deprive private individuals of their unquestioned civil right to select their own guests or host. The laws of the land already provide for acts of oppression implied by the terms "rattening" and "boycotting," and nothing further can be done. The rule contemplates the suppression of the civil right of the large majority for the comfort and convenience of a small minority, and this is what the Committee of Management of the British Indian Association demur to.

21. The Committee readily admit that the law of the remarriage of Hindu widows has not proved so fruitful of result as could be wished by its advocates. But this is not a matter for wonder. Young girls under 13 or 14 years of age can be easily given away in marriage without consulting their wishes, because they are not in a mental condition to judge for themselves; but the case is different when widows of 18 years and more have to be dealt with, and who cannot but assert their will. In such cases courtship is the only means of influencing their minds, and courtship implies a change of dress, manners, habits and customs of Hindu society,—in short a complete boulversement of the Hindu social fabric, which cannot readily be accomplished. Hence it is futile to expect a rapid change. The Committee, moreover, do not at all admit the truth of the horrors Mr. Malabari has painted. Without in the least wishing to discourage the remarriage of widows, they deny that the evils are so great as he imagines, and such as they are, they cannot be materially reduced by more extensive widow marriages. The total number of men willing to marry cannot be increased by any fair legislative measure; if a part of these men take widows for their wives, there will be a corresponding number of spinsters left in society, and the evils will thrive quite as much among them as they now do among widows. This is a view of the question to which the Committee would specially invite the attention of His Honour the Lieutenant-Governor.

22. Such being the case, the Committee regret they cannot accord their support to the adoption of the measures suggested by Mr. Malabari, and they firmly believe that the course which he asks Government to follow cannot but be disastrous to the case of reform.

Memorandum by His Highness the Rao of Cutch.

I have read with much interest Mr. B. M. Malabari's notes on "Infant Marriage" and "Enforced Widowhood," and certainly he deserves credit for having invited public discussion and opinion on the same.

As regards the question of infant marriage, it may be observed that most of the people have imbibed a strong predilection in favour of it. It is not however too much to hope that some satisfactory compromise may be effected by way of a certain limit or limits of age being fixed under which no marriage is to take place; and if any such arrangement be accepted by the orthodox, it may be regarded as a great success towards achieving to some extent the object in view.

I should think any sort of State interference without the consent and co-operation of the community concerned should be the last thing to be thought of in a question like this, which is eminently a social one. I do concur, however, in Mr. Malabari's suggestion as to moral support being advantageously accorded by the State with a view to promote the object in view. Education has done, and is still doing, a great deal towards effecting a change in the opinion of the people generally as regards their old usages and customs; and if some steps be taken with earnestness with their consent, it is not unlikely that they may lead to some practical and palpable results.

I would now briefly advert to the restrictions which Mr. Malabari has proposed to apply to the University students and Government servants. With regard to the former, I am of opinion that the restriction in question might probably tend to retard the progress of education, and consequently that of reform.

As regards the other restriction which has reference to admission into Government service, I may observe that I doubt very much the justice and expediency of such a measure as this.

With regard to the question of enforced widowhood, which is far more serious and difficult to deal with, my opinion is as follows:—

I perfectly agree with Mr. Malabari in the credit he has given to the best specimen of Hindu widows for their self-sacrificing devotion, which enables them to endure so nobly all the hardships attendant on their unhappy lot. Such instances are however only rare, and therefore what the educated reformers seek to accomplish is the emancipation of those thousands of unfortunate widows who, if kept to themselves, would prefer remarried life far better to one of perpetual misery. But the popular feeling is so strong on this subject, that it is difficult to arrive at a speedy solution of this social problem.

Preaching and persuasion should be employed by the reformers as their best agents for effecting a still greater and wider change in the opinions of the people on this important subject, and means like these, supported by the increasing spread of education, both male and female, will help a great deal in fulfilling the object in a manner acceptable to the community in general.

The views I have expressed in the foregoing part of this memorandum as regards the inadvisability of State interference without the consent and co-operation of at least a majority of the community are applicable to this question much more forcibly.

BOMBAY;
The 4th April 1885.

RAO KHENGARJI,
Rao of Cutch.

From His Highness the Thakor Saheb of Bhavnagar, to the Political Agent, Kathiawar,—No. 42, dated Bhavnagar, the 30th January 1885.

In compliance with the request made in your Memorandum No. 3154, dated 2nd December 1884, I have the honour to observe that I have read the papers of Mr. B. M. Malabari on the questions of infant marriage and enforced widowhood. On careful consideration of what he has therein set forth, and also having deeply thought of the various circumstances connected with the condition of the different castes and sections of the Hindu community of this country amongst whom the customs prevail, I am inclined to think that, however necessary and desirable a change or reform in them may appear, it requires a mature and thoughtful consideration before attempting any sort of State interference, as Mr. Malabari suggests, by having recourse to any direct legislation or to the adoption of any prohibitory measures whereby the interests of so many high castes of Hindus either in the Government service or in the intellectual cultivation may be effected. These customs involve the religion of the Hindus whose feelings are likely to be injured by any forced measures. Consequently I do not think it wise or safe to have recourse to any of them in such a way as to excite those feelings. To my mind, the remedies for the proposed reforms lie in the voluntary movement adopted by the unanimous voice of the community concerned, and this might only be expected by further spread of education, which will, I believe, make the majority in the various sections to wel, appreciate themselves the necessity of any such reforms as occasions may arise, and until then I should think to let the matter take its own way, and in course of time the custom will undergo a change as similar other ones have done.

From His Highness the Thakor Saheb of Morvi, to the Political Agent, Kathiawar,—No. 132, dated Morvi, the 3rd February 1885.

As desired by Government, through your memorandum No. 3154, dated 2nd December 1884, I have the honour to communicate my opinions on the two notes of Mr. Malabari.

The first is about infant marriages, which are surely a curse to the Hindu society, and Mr. Malabari deserves great credit for his disinterested and benevolent efforts in this long-neglected cause.

The evil consequences resulting both directly and indirectly from infant marriages are very numerous and disastrous. They have been vividly described in the said notes and in the discussions that appeared on them in papers. I need not, I think, therefore dwell upon them at length here. I content myself by saying simply that here in our part of the country where the evil is growing as anywhere else, the most galling of all the results is the growth of sickly generations and the consequent early old age and grave. These marriages are a stumbling block in the way of study. Of late I have noticed with heartfelt regret several instances in which infants that promised to turn out the brightest jewels in their infancy have the edges of their intellect and energy blunted by their being married to brides of equal age at an early age when they were to find full scope and development. I think there are not, and cannot be, in these days of Western civilization two opinions as to the enormity of this evil, and that it ought to be put a stop to.

The next question that suggests itself is, how to stop it practically, and what is the best course and right remedy under the circumstances to check this ever-increasing growth of this evil. My opinion is that this is a social matter, and it is directly the business of the society to combine together in devising means best suited for the end in view. Direct interference of the State by way of legislation will have no salutory results so long as rigid observances of caste distinctions continue with all their might and main.

But I think Government can safely and rightly adopt other indirect means suggested by Mr. Malabari in his said notes, and approved of by many for aiming a blow at the evil. The educated minority of the Hindu community have been, head and heart, trying long since to combat it, but in vain. The orthodox majority and the force of the established customs are so powerful and influential, that in spite of the repeated efforts of the educated public, these reforms, so essential for the well-being and living of our society, are at a standstill and will never be effected, it is my firm belief, without the co-operation aud assistance of the State and its officers, though in the indirect way suggested by Mr. Malabari.

Before concluding my remarks on the infant marriages, I would be wanting in my duty to the most wronged party of the community were I to omit drawing particular attention to paragraph last but one of Mr. Malabari's Note I., where he speaks of marriages contracted between parties whose relative ages are altogether out of proportion. An old man of sixty or seventy verging on the grave is married, and that too, with impunity at present, to a tender girl of 10 or 12, for sheer sake of money. What horror is this? Mr. Malabari's suggestions for remedying this evil are such as will commend themselves to all the well-wishers of the country.

They are not only worthy of immediate adoption, but I am of opinion that Government should interfere, and these marriages which are the primary causes of grievous widowhood and which add to the number of *young* widows on one hand, and which discourage widowers from accepting widows, however, young, beautiful and noble they may be, as their wives, *ought to be stopped by authority*.

Now I come to consider Mr. Malabari's Note II., which treats of "enforced widowhood." These two subjects are so closely connected that their evil consequenees are combined together as cause and effect. Mr. Malabari has ably touched the subject from all its bearings.

Some of the lower communities among Hindu society have widow marriages allowed among them, but among the higher ones widows of all ages, including even the virgin widows are debarred from marrying again. I admit the wisdom and thoughtfulness of our forefathers' and that their aim in enforcing widowhood at the time might be a noble one; but those times and circumstances of life are far changed, and we must change too so as to keep force with the progress of time. I also admit the force of the argument that some of the Hindu widows refuse of their own accord marrying again and devote their lives to religious observances to secure a better and blissful birth in the life to come, believing in the doctrine of predestination. But these are only exceptions, and are generally the more fortunate ones who become widows after enjoying a reasonably long course of married life and having children. My opinion under these circumstances is that widow marriages should be made quite voluntary within certain ages and under certain prescribed circumstances. Here again, I think, Government cannot well interfere directly and all at once. This is a social subject, and this long-established custom has its origin in religious beliefs. I would propose, therefore, the adoption of some protective measures which may not savour of interference, but which may serve the desired end indirectly though, and that Government and its officers should use their private influence indirectly in encouraging these reforms. The utmost punishment imposed by caste and society at present on these reformers in excommunication, for which the reformers care but little, now that caste distinctions are being shaken off by degrees and against which the officers can lend them their helping hand, they would soon form a mojority and a caste of their own. Besides the principal and fruitful cause of this deplorable widowhood is infant marriages of the type mentioned by Mr. Malabari in the last but one paragraph of his Note I., and that practice being stopped with a heavy hand, this evil, which is the effect of that cause, will decrease and disappear with the cause itself.

Memorandum by the Regent of Kolhapur.

I do not approve of the measures suggested by Mr. Malabari for checking the evil custom of early marriages. Any interference on the part of the educational authorities will give rise to as much dissatisfaction as direct legislation. Besides hampering education in the higher classes, it will have no effect on the illiterate masses among whom early marriages are much

more common. Moral pressure of officials too will not be so effectual as Mr. Malabari supposes. What did such pressure achieve in the early days of female education? Not even pecuniary inducements could tempt parents to send their girls to schools till the example of others brought home to them the advantages of doing so. The educated classes fully feel the evil. But it is want of moral courage that makes them simply talk and take no action in the matter. At this rate the state of things will never improve. Let the so-called leaders of society set an example themselves, and the rest are sure to follow.

When early marriages decrease, there will be a reduction in the number of young widows. And for widow-marriage to be a general custom, it will require as much moral courage as to prevent early marriage.

JAYASING RAO,
Regent of Kolhapur.

KOLHAPUR;
The 27th January 1885.

From J. MONTEATH, Esq., Under Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India, Home Department,—No. 3283, dated Bombay castle, the 29th August, 1885.

In continuation of my letter No. 1846, dated 18th May last, I am directed to forward herewith a letter from Mr. Shantaram Narayen, containing his views on Mr. B. M. Malabari's papers on "Infant Marriage" and "Enforced Widowhood."

2. I am at the same time to state that Mr. Shantaram Narayen is the ablest pleader of the High Court, and that his views merit attention.

3. The provisions of section 2 of Act XV. of 1856 are certainly somewhat anomalous and might, in the opinion of the Governor in Council, be amended. The law as regards Hindu widows in this Presidency is succinctly stated in *Bechar* vs. *Bai Lakshmi* (1 Bombay High Court Report, 1856) in the following terms:—

The Hindu law existing on this side of India gives a widow absolute power over the moveable property of her deceased husband, which has been inherited by her, but no power to alienate immoveable property except under special circumstances.

It would be reasonable to enact that a widow should not by remarriage forfeit any property over which she has absolute power. It is clear that she can avoid the forfeiture by conveying such property to her intended husband immediately before her marriage: and it seems undesirable that the legislature should appear to give its sanction to a penalty of which it does not approve, and which can be so easily evaded.

From MR. SHANTARAM NARAYEN, Pleader, High Court, to the Under Secretary to the Government of Bombay

I have the honour to acknowledge your No. 4164 (General Department), dated 13th November 1884, forwarding, for my opinion, copy of a paper on "Infant Marriage" and "Enforced Widowhood" by Mr. B. M. Malabari. I regret that, owing to various engagements, I have not been able to send my reply earlier, and beg to apologise for the delay that has unavoidably occurred. Having given the paper in question my most careful attention, now I do myself the pleasure to express my views upon the points noticed in it, as follows.

2. I think it due to Mr. Malabari that I should say at the outset that I most warmly appreciate the zealous interest with which he has taken up one of the most important and serious social problems affecting the Hindus. His paper has so far served the eminent and most desirable purpose of attracting public attention in a very pointed manner to what, I believe, is regarded as a grave evil by all right-thinking men. I have heard it said by some that Mr. Malabari, not being a Hindu himself, has exaggerated the evil and misrepresented the customs and character of the Hindu communities. To this I should say that some exaggeration may well be pardoned in a writer, who depicts the evil results social and economic, following from a custom that is semi-barbarous. But properly speaking, having read most carefully the paper written by Mr. Malabari, I must say that the charge of exaggeration is not justly maintainable against him; and that those who have criticised him somewhat unkindly, because he has dared to speak as an authoritry on a question which does not concern him, except as one interested in the cause of humanity, may be properly held responsible for having attributed to him views which he has not, as a matter of fact, urged. For instance, some of his critics have got hold of the idea that he wants the legislature to interfere with the social evil of infant marriage; but on turning to his paper, I find him distinctly writing that he "would not propose a legal ban to be placed upon it." Again, it has been urged against him that he has drawn upon his imagination in stating that the form of marriage according to which a girl of from 12 to 15 is married to a boy of from 8 to 10 is widely prevalent in India

but I read in his paper that "the evil is limited in area," as indeed it is. A third charge that I have seen brought against him is that he has represented the evils of infant marriage and enforced widowhood to be widely prevalent in India, when it is said, as a matter of fact, that they touch only the twice-born. Statistics have been cited to show that the customs complained against apply to a limited section of the people. I should say to this, in the first place, that even if the evil is limited in extent, that is no reason why it should be tolerated, merely because it does not prevail more largely. In the second place, it should be remembered that in this country the lower classes regulate their social procedure by the example of the higher classes. Widow marriage being disallowed among the latter as sinful, the lower classes, though excepted from the ban, intuitively, as it were, learn to look upon it with some prejudice: and, in illustration of this, one could mention non-Brahman communities among whom widow marriage was allowed, and prevailed formerly, but who have, within living memory, declared themselves against the custom.

3. I have pointed out above some of the objections that have been raised against the general tone and purport of Mr. Malabari's paper with a view to indicate that some of his critics have not fairly represented his views or judged his main contention, that infant marriage and enforced widowhood are evils both of a social and economic nature, and as such, they should be remedied. I must further point out what has struck me all along in noticing the several comments made upon his paper, that none of his hostile critics has attempted to show that what he calls an evil is not an evil. Some of them have, no doubt, written as if they are prepared to go the length of defending the customs against which Mr. Malabari has written with commendable warmth; but of any distinct allegation or defence having been made by any of them that the customs are good and should be maintained, there is hardly any voice heard so far as I know. This is a point which deserves special notice as showing that, generally speaking, most agree or feel forced to agree—most, that is, of those who are enlightened—that infant marriage and enforced widowhood are evils. That they are, as Mr. Malabari has well put it in his paper, not only social but economic evils, is the best argument that can be used to show that the State has an interest in mitigating their influence and in preventing their mischiefs, so far, at least, as that influence and those mischiefs tend to deteriorate the physical capacities and morality of the communities concerned, and breed mischiefs of an economic nature.

4. The customs then being admitted, or not denied, to be productive of mischiefs, social and economic, the first question that arises for consideration is whether the evils should be met by *external interference*, *i.e.*, by remedies legislative and administrative, or by *internal reform*. I am inclined, not only, to agree with Mr. Malabari, that it will not do to rely upon the policy of "let alone," but I go further than he does, for I humbly think that it is time the State interfered to check the evil results of the custom of infant marriage. With enforced widowhood I shall deal separately.

5. Mr. Malabari suggests that instead of "a legal ban" being placed upon infant marriage, *firstly*, "the educational authorities might rule that due notice being given, no married student shall be eligible to go up for University examinations, say five years hence;" *secondly* "departments of the State might also devise similar means to discourage this pernicious custom of modern India." Now, it seems to me that if the State is to interfere or rather, if the principle is once recognised that the customs are such as to justify State interference, then the interference should not be of a makeshift character, and such it would be if either of the two suggestions made by Mr. Malabari were carried out. In the first place, people subject to a bad custom would not cease to follow it, merely because it would debar their sons from acquiring University degrees, or from getting Government appointments. The custom being socially enforced and enforcable, and legally there being nothing to prevent it, there would be inducements for fraud, in the event of such conditions as the two above named being enforced. Young men appearing for University examinations might feel tempted to conceal the fact of their being married, so also with those seeking Government appointments. In the second place, education being the first and the best instrument with which you have to work to remove popular ignorance, and to destroy bigotry and foolish prejudice, it will not do to enforce conditions which may counteract its influence and its being sought. In the third place, I do not see any justification for visiting the sins of society on young individuals who are themselves helpless. The young men may well say:—"On the one hand, society forces us one way: on the other hand, the State forces us another way, and all this merely because the State wishes to remove evils which society sanctions, and against society we are helpless. Why should not the State fight with society instead of fighting with us?" That would be a reasonable answer to give. In the fourth place, in the matter of giving appointments, the State has only to consider who is the best qualified for it. It seems to me that if the custom is an evil, and

that it is not, cannot be reasonably pleaded, it should be met boldly, and not by the indirect and half-hearted means indicated in Mr. Malabari's letter.

6. I am, then, humbly an advocate of legislative interference in the matter of infant marriage. All civilized Governments have dealt with the question of marriage of the mutual relations between men and women as one of which the State has a right and is bound to take cognizance. For instance, in Germany the marriageable age fixed by law for men is 18 and for women 14; in Belgium 18 and 15; in Spain 14 and 12; in France 18 and 15; in Greece 14 and 12; in Hungary (for Protestants) 18 and 16 and (for Catholics) 14 and 12; in Portugal 14 and 12; in Russia 18 and 16; in Saxony 18 and 16; in Switzerland 14 and 12; in Austria 14 and 14, respectively. Even in India it has been from the ancient times a recognised principle for the law-giver to fix the marriageable limit of age for both men and women, and Dewan Bahadur Raghunathrao, one of our best Sanskrit scholars and leading social reformers, has shown that according to the *Shastras* infant marriages, as they now prevail, are not legal and that they are of modern growth. Then, again, the State is bound to protect the rights and interests of minors, as their *parens partriæ*. Looking upon the question in this light I do not see why the Government in India should not make laws on the subject of marriage. It is said that by making such laws the Government not being an indigenous but an exotic one, would be departing from the principle of religious or social neutrality, to which it had wedded itself in the administration of our country. But have not Government abolished *suttee* and legalised the remarriage of widows; made laws for the management of religious endowments; fixed the age of majority by means of the Indian Marriage Act; rendered the *shesha* ceremony penal and punishable under the Indian Penal Code? It seems to me that it is too late to employ the argument based on the principle of religious neutrality, for it is an argument which was employed before, and none the less discarded. In India we look to Government for protection of almost every kind, and we ask it to direct us in most matters. Why should it not lead us also in matters which, though social, have an economic effect? Some people argue as if the State or Sirkar has not yet interfered with our social customs. What do we witness every day in our Courts of Justice? We have a Hindu Law, it is true, but is not that law involved in confusion, and is it not a fact that our Courts are expounding it as best they can, and bringing into vogue, in effect, new adaptations which Hindu lawyers of a bygone age would have probably stared at? The whole administration of the Hindu Law is, in fact, based upon a legal fiction, and it affords a signal example of the fact that our customs are already being regulated by judiciary interference of a sort, and to the Hindu people such interference is as effective as legislative interference, for the Sirkar, whether sitting in the majesty of justice or the Sirkar proclaiming laws from the throne, is to the Hindu alike paternal, and may be held equally liable to be complained against as meddlesome. Those, therefore, who think that there is no State interference now with our religious practices or social customs are either not aware of the real state of things or are ignoring it.

7. I, therefore, respectfully submit that it is the duty of the State, and the State alone, to fix a reasonable standard of age for marriage. The question is as much political as it is social. All civilized Governments have so regarded it, and whoever knows anything of Hindu society may rest assured that it will not move in the matter, unless the lead is taken by the State. The nation, I believe, is degenerating in a palpable degree, and since it is not capable of helping itself, it is the duty of the State to send up help from without.

8. On the question of widow marriage, I do not see that much remains to be done by Government. It has done all it could do by legalising [the remarriage of widows. It cannot compel widows to remarry, as it can compel parents not to marry their children until they have arrived at a certain age. If widows do not marry in large numbers, notwithstanding that remarriages were legalised 35 years ago, it is because they do not like to encounter the social odium to which they think such marriages may subject them. It is the duty of educated classes to remove the prejudice and odium against such marriages, by encouraging them by every available means. It is not that laws are wanting, or State protection that is needed, to encourage such marriages. Even if the State were to do its best, widows, for all that, would remain in widowhood, so long as society looked upon the prejudice as sinful. What is wanted now is an effort to remove the prejudice that prevails against the practice. But I must admit that there are even among educated Natives men who do not hesitate with all their education to increase the prejudice and the odium. That cannot be helped; but with the encouragement and progress of female education, I am sure the odium will decrease and difficulties will be gradually removed. There is one suggestion that I should deem it my duty to make on this point. The Act which has legalised the remarriage of a Hindu widow at the same time provides that, in the event of such remarriage, the widow shall not be entitled to the property of her deceased husband, and that it will revert to his other heirs. The result is that the law, as

it is now enforced, leads to very ludicrous results. For instance, suppose a Hindu dies, leaving a widow. The widow inherits his property, and then leads an immoral life; yet she is no liable to be deprived of it, and she continues its owner nevertheless. Suppose the same widow instead of leading an immoral life remarries; the result is, the property goes out of her hands at once. This is very unfair, and is hardly calculated to encourage the remarriage of widows or even morality. The Govern ment ought to remove this blot from the Statute Book without any delay.

From J. MONTEATH, Esq., Under Secretary to the Government of Bombay, General Department, to the Secretary to the Government of India,—No. 54¦(Public), dated Bombay Castle, the 8th January 1886.

In continuation of my letter No. 3283, dated 29th August last, I am directed to forward herewith a letter, dated 4th ultimo, from the Honourable Jaswantsingji Fatehsingji, Thakore Saheb of Limbdi, containing his views on Mr. B. M. Malabari's papers on "Infant Marriage" and "Enfored Widowhood."

From JASWANTSING, Thakore Saheb of Limbdi, to the Acting Political Agent, Kathiawar,—dated the 4th December 1885.

With reference to your memorandum of 2nd December last, calling for my opinion on the questions of "Enforced Widowhood" and "Infant Marriages" amongst Hindus, discussed by Mr. Malabari, I have the honour herein to submit briefly my views on the subject.

2. Mr. Malabari has no doubt rendered great service to India by prominently placing before the public these questions of vital importance to the welfare of the country.

Enforced Widowhood.

3. I must, however, at the outset mention that the picture which Mr. Malabari has drawn as to a Hindoo widow's frailty giving rise to infanticide very often passing undetected is, I am afraid, rather an exaggerated one.

4. There is indeed, no doubt, that the system of enforced widowhood is a social evil which it must be the endeavour of every true reformer to eradicate.

5. It is unnecessary here to enter at length into the question of the *origin* of this institution. It is quite evident that the Hindu Shastras have declared a life of celibacy (Brahmacharya) to be a higher order of existence, as conducive to habits of devotion and eventual eternal beautitude; but the remarriage of a widow is nowhere expressly prohibited by them.

6. An impression, however, prevails that there *is* such an express prohibition enjoined by the Shastras, and this has given rise to the custom—a deep-rooted one now—of what is termed enforced widowhood which we all deprecate.

7. The questions now are, how to remedy the evil caused by that custom, and whether it is in the power of Government to adopt the necessary remedial measures?

8. My own opinion is, that these are purely questions of social reform, with which it would be impolitic for Government to deal. The action of Government in such matters is calculated to do more harm than good. If social reforms are introduced by legislative authority under a mistaken notion of protection to the injured class, the State would be liable to a charge of meddling in matters which do not, properly speaking, fall within its province. Restraints on society from *without* are of no avail—the impetus must be from *within.*

9. The universal abolition of enforced widowhood among Hindus as an institution is the work of time. It pre-supposes an indifference on the part of the masses of the community to what is supposed as a positive injunction of the Shastras. It pre-supposes further an extreme desire on their part to free themselves from the bondage created by that injunction. In fact, it pre-supposes a higher degree of intellectual culture and progressive development than is to be found at present in the community generally.

10. To my mind, the ideas in favour of the remarriage of Hindu widows are shared in, not by the masses of the people constituting the Hindu community, but only by a comparatively small portion constituting the educated classes. These ideas are, thus, much in advance of the Hindu nation, so to speak, and must bide their time, until the minds of the masses are ripe for their reception.

11. Undoubtedly, there is in every country and in every city a section of the community more advanced in their ideas than the rest, who, though very anxious to introduce reform in practice, are yet unable to practically carry out their views and feel themselves painfully tied down by custom; and this I understand is especially the case in Presidency Towns.

12. To such people an impetus from without is never without its value. Government can *help* social reform, as it did, I think, in 1856, by an Act passed in that year. It can aid progress by giving opportunity for progress; but it can do no more. It has removed legal disabilities, but it cannot impose social restraints. Government cannot in my opinion adopt measures like those suggested by Mr. Malabari as acts of the State. Much in the direction proposed by him may be attained otherwise by *moral* influence of the official element, and this, coupled with constant ventilation of the question by the people themselves in properly organised associations, will help the cause of progress until, by a wide spread of education among the masses, the popular pressure in favour of the particular reform becomes so great as to necessitate its authoritative recognition by the Government of the country.

Infant Marriages.

13. As to infant marriages, I am not quite sure that this is recognised as an institution of equal sanctity with that of enforced widowhood. No doubt infant marriages are of frequent occurrence in India; but this fact is attributable more to ideas suggested by the physical character of the country having its influence on the habits of the people generally, and to other considerations not having their origin in the Shastras themselves.

14. The baneful consequences of infant marriages have begun to be felt, and other circumstances, such as the poverty of the people, &c., are, though imperceptibly, helping the cause of reform by the difficulties thrown in the way of such marriages.

15. I do not, therefore, consider any interference of the State in the shape of legislative action in this respect necessary; but as a check on the evil wherever it may exist, and as a help to the good cause, Government may prescribe rules for their own conduct, which will tend to discourage the pernicious system of early marriage. It has a right, for instance, to say that the Public Service shall not be open to people who may have been married before a certain age. Such people may be excluded from higher University honours. Local Municipalities may be asked to lend their aid to the good cause by introducing a system of registration and the granting of licenses for marriage under certain restrictions, and so on.

16. But measures like these, it must be confessed (though they might be of use in their own way), would not be efficacious in rooting out the evil altogether. That is the work of female education. It is the female that in India, directly or indirectly, offers the greatest resistance to the cause of social reform. To train her mind, to prepare it to receive enlightened notions, should be the first care, I think, of every reformer, and much of the difficulty that he now feels in his laudable endeavours would be removed.

17. If, therefore, Government in its parental regard for the interests of its people render, female education in a manner compulsory, as elementary education (I am told) is in England it will confer a great boon on the people of India. This wil strike at the very root of the evil sought to be remedied, and will afford facilities to social reform of which one cannot form an adequate conception at the present day.

18. These are some of the observations that suggest themselves to me on the two questions discussed by Mr. Malabari. I regret I should not have been able to submit them at an earlier date; begging therefore to be excused for the delay.

From A. P. MACDONNELL, Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—No. 348, dated the 2nd March 1886.

With Mr. Mackenzie's letter No. 39—1508, dated the 11th September 1884, the Government of India forwarded, for the information of the Lieutenant-Governor, and for such observations as he might desire to make, a copy of a paper on "infant marriage" and "enforced widowhood" in India by Mr. B. M. Malabari of Bombay. It was stated that if the Lieutenant-Governor should think it desirable to consult official and unofficial persons well acquainted with native feeling on these subjects, there would be no objection on the part of the Government of India to his doing so.

2. The Lieutenant-Governor thereupon called upon Commissioners of Divisions, and upon the Director of Public Instruction, Bengal, to favour him with an expression of their opinions upon Mr. Malabari's suggestions, after consulting Native gentlemen of intelligence and position; and he also invited the various Native Associations in the Lower Provinces of Bengal to offer such observations as they might wish to make upon those proposals.

3. Copies of the replies received from the Government officers above referred to and from the Native Associations* and Native gentlement named in the margin are herewith forwarded for the information of the Government of India.

* 1. British Indian Association.
2. Indian Association.
3. National Mahomedan Association.
4. Jessore Indian Association.
5. Moorshedabad Association.
6. Burdwan Association.
7. Ooterpara People's Association.
8. Rajshahye Association.
9. Bogra People's Association.
10. East Bengal Landholders' Association, Dacca.
11. Mymensingh Indian Association.
12. Burrisal People's Association.
13. Chittagong Association.
14. Tipperah People's Association.
15. Orissa People's Association.
16. Balasore National Committee.

† Rajah Promotho Bhusan Deb Roy, Naldanga, Jessore.
Baboo Monu Lal Chatterjee, Subordinate Judge of Beerbhoom.

4. The Lieutenant-Governor finds, in the replies received, a common acceptance of the view, which independently he himself holds, that more evil than good would be likely to result at the present time from any interference by Government in the socio-religious questions which are now under consideration. Legislative interference for the prevention of child marriage in this country is, in Sir Rivers Thompson's opinion, at present undesirable; and it does not appear to him that any necessity for legislation in extension of the provisions of Act XV. of 1856 in the direction of improvement of the position of Hindu widows has been established. It is well known that that law, which is permissive in its scope, was enacted at the instance of a numerous and respectable body of Hindu gentlemen of rank, learning and character; but it is probable that any attempt to legislate now in the direction of a compulsory law would be resented and resisted by most Hindus of influence and authority; and such an attempt would certainly be much in advance of popular sentiment upon this subject in the Lower Provinces of Bengal.

4. Nor does it appear to the Lieutenant-Governor that action by Government in its executive capacity in any one of the directions suggested by Mr. Malabari would be practicable. Such measures as Mr. Malabari recommends would be regarded by the people as a grievous interference with their religious feelings and customs. Even if proposals to the effect that married students should not be admitted to university degrees, and that the unmarried should be preferred to the married in appointments to the service of Government, could be accepted, the rules which might be made to attain these ends would touch only a small fraction of the middle classes of society.

5. In Sir Rivers Thompson's judgment the reforms in question must be left to the gradual operation of the mental and moral development of the people by education. In the meantime it is very desirable that the Government should not assume an attitude of hostility, nor even of indifference, to the laudable efforts of individuals or of public bodies striving to accomplish what would be the greatest social change ever effected in India; and in this view the Lieutenant-Governor would encourage Mr. Malabari's public-spirited endeavours by an expression of sympathetic approval of the objects at which he aims. Undoubtedly much good has already been done in the cause which Mr. Malabari advocates by the discussions which have recently taken place through his instrumentality, and the publication of all the papers on the subject might help to the solution of difficulties which the correspondence brings into prominence.

From C. H. Tawney, Esq., Officiating Director of Public Instruction, Bengal, to the Secretary to the Government of Bengal, General Department,—No. 1874, dated Calcutta, the 17th March 1885.

I have the honour to submit some observations on infant marriage and enforced widowhood in India, in accordance with your endorsement No. 2639—2T.G., dated the 26th February. Mr. Croft consulted by a circular some of the leading Native educational officers, and replies have been received from the Officiating Principal of the Sanskrit College, Pundit, Mahesh Chandra Nyayaratna, from Baboo Radhika Prasanna Mookerjea, Officiating Inspector of Schools, Presidency Circle, and Baboo Bireswar Chakravarti, Assistant Inspector of Schools, Chota Nagpore Division. I proceed to summarize the opinions of these officers, which, as they themselves are careful to point out, have reference only to Bengal Proper.

2. The first of Mr. Behramji M. Malabari's notes deals with infant marriage in India. It seems to be admitted that infant marriage exists in Bengal as an evil to be deplored. Baboo Bireswar Chakravarti thinks that "it has a direct tendency to bring about all the numerous miseries enumerated by Mr. Malabari in his notes under consideration." With this view the other Native officers consulted are mainly in agreement. Exception is, however taken to the unqualified character of some of Mr. Malabari's assertions. It is stated that the marriage of girls of from 12 to 15 to boys of 8 to 10 is absolutely unknown in Bengal. The practice denounced by Mr. Malabari of marrying an infant girl to an old man is generally discredited and is gradually dying out in this province. Moreover, Baboo Radhika Prasanna

Mookerjea remarks that Mr. Malabari makes the mistake natural in a spectator who looks at Hindu society from outside, of supposing that it is a homogeneous mass permeated and acted upon by priestly influences." He is decidedly of opinion that priests have no power in Bengal, and that Hindu society is composed of many strata acted upon by various forces.

3. Though my native authorities are at one in denouncing the practice of infant marriage, there seems to be considerable doubt as to the sense which should be attached to the term. The legislature has fixed the minimum limit of age in the case of girls of Native Christian and Brahmo parentage in India. A large body of Medical opinion was collected by the late reformer, Baboo Keshab Chandra Sen, to the effect that that limit should be 14 years, and it is now the law of the land. There seems to be no doubt that if a Hindu omits to give his daughter in marriage before the age of puberty he brings damnation upon three generations of ancestors. But there seems to be considerable uncertainty as to the definition of the period of puberty. It is generally fixed at 10 years, but some parents in Bengal have found a saving clause in the Shastras which enables them to defer the marriage of their daughters to 11, 12, 13, or even 14 years. Pundit Mahesh Chandra Nyayaratna would fix the maximum marriageable age of girls at 14. He sees no objection to young men in affluent circumstances marrying at the age of 20. Baboo Bireswar Chakravarti fixes the same ages, and seems able to persuade himself that the Shastras agree with him. On the whole it seems to be clear that—

(1) According to educated native opinion in Bengal 14 and 20 are the proper ages for the marriage of women and men respectively.

(2) That marriages generally take place before these ages.

(3) And that such marriages constitute the evil denounced by reformers as infant marriage.

4. I now pass to the remedies suggested by Mr. Malabari for coping with the evil. The first is that the educational authorities should give notice that no married student should be eligible to go up for University examinations, say, five years hence. The only authority that can deal with the University examinations is of course the Senate, and it is very doubtful if, in the present state of public opinion, that body would take such a step. That it would be in the highest degree impolitic and unjust seems to admit of no doubt. Pundit Mahesh Chandra Nyayaratna says "to shut the University against married young men would be fraught with the most disastrous consequences to the extension of education." Baboo Radhika Prasanna Mookerjea considers "that it would be a mistake on the part of an examining body like an Indian university to rule that no married student shall be eligible to go up for University examinations five years hence." As a matter of fact many parents in Bengal desirous of giving their children a full University education are coming to the opinion that no boy should marry before taking his degree or attaining 20 years of age."

5. Baboo Bireswar Chakravarti, though agreeing with the gentlemen above mentioned that married students should not be excluded from the University examinations, suggests that the educational authorities should adopt certain heroic remedies for the evils of early marriage. They are as follows :—

(1) That married boys in Government schools (not colleges) should be charged higher fees than unmarried ones.

(2) That the universities be moved to levy higher fees at the Entrance Examination from married than from unmarried candidates.

(3) That no married boy be allowed to hold a Government junior middle or primary scholarship. He claims for his proposal (1) that it will not interfere with education, (2) that it will increase the fee income of Government schools, and at the worst will make aided and unaided schools flourish at the cost of the Government schools,—in other words, will make the people support their school more liberally; (3) that it will increase the number of marriageable young men, *i.e.*, of young men educated and otherwise qualified, and will so make the marriage of daughters less expensive. The object is no doubt an excellent one, but I doubt if it is likely to be attained by this method.

6. All the Native gentlemen consulted by Mr. Croft are aware that Mr. Malabari proposes that heads of departments should give preference to unmarried over married candidates. They consider it probable that the spread of education and the diffusion of enlightened ideas will soon effect the desired reform among the educated classes. Several students have already banded themselves into associations and bound themselves by pledges to remain

single until they attain a certain age. The influence of educated parents is tending in the same direction. However, Pundit Mahesh Chandra Nyayaratna considers it impossible to check infant marriage among the illiterate classes. The remedies proposed by Mr. Malabari will not reach them, and legislative interference is out of the question.

7. There seems to be a general conviction that Mr. Malabari has been a little carried away by a noble enthusiasm in his highly-coloured picture of the sufferings of Hindu widows. Babu Radhika Prasanna Mookerjee is of opinion that the only social ill-usage is the refusal on the part of relatives to dine with the parties who run counter to native sentiment in this particular. Pundit Mahesh Chandra Nyayaratna evidently looks upon the remarriage of virgin widows as a venial offence. But it is clear that there is a strong feeling in all classes of the Hindu community in Bengal against the remarriage of widows in any form. Dr. Trailokya Nath Mitra observes in his Tagore Lectures for 1879, page 211, that very few marriages have taken place among high caste Hindus under Act XV. of 1856, because the Hindu community at large has not accepted Pundit Iswar Chandra Vidyasagar's interpretation of the Shastras as correct. "The movement would have succeeded better if, instead of an appeal to the Legislature, which is alien in its constitution, a grand congress of the Hindus learned in the Shastras throughout the country, and representing all possible shades of opinion, had been held under the presidency of one of its respected teachers, and the orthodox nature of the measure had been established by the decision of such an assembly. Such a decision would have been among the Hindus what the decree of an œcumenical council is among Roman Catholics, and would have been accepted by the mass of Hindus as genuine Shastra and the social reform would have been carried out most successfully." This is in accord with what Mr. Malabari says. But he seems to be unaware that the fact of Act XV. remaining a dead letter is due to causes with which no alien Government, and indeed no Government at all, can deal successfully.

8. His recommendations are throughout vitiated by this false assumption. With regard to his first and second proposals, it is asserted by Baboo Radhika Prasanna Mookerjea "that promoters of widow marriage know how to invoke the aid of the law." The chief obstacle lies in the feeling of the women themselves. It is difficult to see how the second recommendation could be carried out without an undesirable interference with family life. Pundit Mahesh Chandra Nyayaratna anticipates that it would bring upon Hindu society "all the terrors of the Spanish inquisition." It is considered that the third and fourth recommendations are based upon a misapprehension of the real state of affairs in Bengal at any rate. In Bengal the priest is but a servant, and has not the influence which Mr. Malabari ascribes to him. With regard to this point Pundit Mahesh Chandra Nyayaratna observes—"A most significant case of widow-remarriage took place a short time ago. The remarried widow belonged to an influential and orthodox family of Calcutta, and is the granddaughter of the grandson of a most rigid Hindu, who in his time was looked upon as a leader by the whole Hindu community, and signalised himself by heading the orthodox classes against the movement set on foot by the renowned Pundit Iswar Chandra Vidyasagar for the remarriage of Hindu widows. What gives the case a greater significance is the fact that the principal parties concerned in the marriage have not only met with no social ill-usage, but have not even been excommunicated." Another influential ally has been gained for the cause of social progress in this direction. Baboo Radhika Prasanna Mookerjea states that Raja Pramatha Bhushan Deb Roy of Naldanga in Jessore has come forward with his vast influence to tread in the footsteps of Iswar Chandra Vidyasagar. There is clearly a small but energetic party in Bengal working in favour of the remarriage of widows, and it is evident that in this part of India at any rate there are no signs of the reaction, which Mr. Malabari avers that those who have watched the movement in favour of the remarriage of widows anticipate, if the people are allowed to struggle on by themselves. Indeed, I should myself entertain no fear that the ground gained by the spontaneous action of the people themselves will ever be lost. Such a calamity is rather to be feared when progress is forced on an unwilling people by the "friendly moral pressure" of an alien Government. I have no wish to under-rate the value of the influence of "distinguished members of the ruling race," but I think that the days when such pressure could produce a magic effect are for ever gone by in this part of the country, and for my part I do not much regret them. Besides, official pressure is utterly incapable of dealing with a sentiment based on religion and long-established custom and allied with the best instincts of feminine delicacy. On the other hand, we have every reason to hope that, as the diffusion of enlightenment extends, the dislike to early marriage that is gradually spreading with the spread of Western ideas, a feeling will spring up that it is unjust to debar child widows from remarriage. This will perhaps bring with it as a natural corollary a

shrinking from imposing restraints on human freedom even in the case of women who have lost their partners early in life and desire to re-enter the married state. Discussions, such as have been set on foot by Mr. Malabari among the native community, will naturally aid the reforming movement that is gradually gaining strength, and we may fairly look to the spread of education to ensure its ultimate triumph.

From C. T. METCALFE, Esq., C.S.I., Commissioner of the Orissa Division, to the Secretary to the Government of Bengal, General Department,—No. 410, dated Cuttack, the 20th April 1885.

I have the honour, in reply to your circular No. 14T.—G., dated 21st October 1884, to submit an expression of opinion with reference to the proposals of Mr. Malabari of Bombay. The opinion of the majority of Natives, who have been consulted, and of Europeans who are acquainted with native thought, is that more harm than good would result from any Government interference in the matter of infant marriage and enforced widowhood.

2. The Balasore National Society consulted many of its most prominent members, the great majority of whom are most decidedly opposed to the proposals made in the notes under review. There were several meetings of the Society held to consider the matter, and hot discussions took place at some of the sittings. The conclusions arrived at were that infant marriage is not so prevalent in Orissa as in Bengal, and that it is an open question if infant marriage is the cause of social evil. The meetings on this point were divided in opinion as to the evils arising out of infant marriage, but opinions were unanimous that State interference was unnecessary. It was pointed out that in the eyes of orthodox Hindus it is a meritorious act to marry their daughters when infants. A father who succeeds in marrying an infant of five is said to gain what is called Gouridan. That Hindus regard infant marriage as a religious duty; that the practice is so mixed up with caste that to interfere with the one means practically interference with the other.

3. In Orissa the evil is less than in Bengal, for here young children only are betrothed, and a second ceremony takes place when the wife is old enough to cohabit with her husband; but in Bengal the infant proceeds at once to her future home. Among the Kandaets and Kurrans of Orissa infant marriage is not practised at all, and girls and boys attain the age of 16 and 20 before they think of marriage. In some places, such as Jajpore, whole communities are to be found who do not marry till the girls are 16 and the boys 20.

4. As regards enforced widowhood, native opinion is to the effect that widows are able to devote their lives to religious exercises and to take a motherly interest in the children of the family; that knowing their position as widows is absolutely determined, they have no inducement to intrigue or to seek husbands, but contentedly devote themselves to domestic duties. It is gravely argued that wives would poison their husbands to get rid of them and so marry other husbands more congenial to them if widows were at liberty to marry. Many other opinions expressed in the papers before me are so childish and foolish that the only remark necessary is that it is astonishing that men who in other matters hold sensible views can really believe the opinions they express.

5. In Orissa the widows of Brahmins, Kurrans, and Kandaets do not marry, but in other castes widows are at liberty to remarry. I am told that the majority of young widows of these castes do marry. The ceremonies are on these remarriages less festive than in the case of early marriages.

6. The feelings of Uryahs on this subject are really opposed to that of Bengalis, who are the chief advocates of infant marriages; Bengali influence over the Uryahs was very strong a few years ago. But gradually as education has spread amongst the Uryahs the influence has been lessened. Men, who a few years ago would have considered themselves disgraced if their girls had not been married at five, now are satisfied if they are married at 11 or 12. There are many Natives who would gladly see a change effected, but even those most opposed to the present practice deprecate Government interference for this reason that they feel that the purity of their families, the preservation of their caste, their social customs, are all bound up with the question of early marriage and enforced widowhood. When time and the spread of education effects a change, they are prepared to accept it, but they deprecate any hasty interference at present.

From A. SMITH, Esq., Commissioner of the Presidency Division, to the Secretary to the Government of Bengal, General Department,—No. 47J.G., dated Calcutta, the 23rd April 1885.

With reference to your No. 14T.—G., dated the 21st October last, forwarding for observation a paper on the subject of infant marriage and enforced widowhood by Behramji M. Malabari of Bombay, I have the honour to observe that all the Magistrates in this Divi-

sion, and public opinion generally, is against Mr. Malabari's proposals. As to the existence of the evils described by him there can be no doubt. But even admitting that his statements on the subject are correct, the evils he complains of are social evils founded upon religious ordinances and upon deep-rooted ideas and prejudices, and it seems to me that no State interference can eradicate them, nor is such interference advisable. It would be regarded by the Hindus as a breach of neutrality in religion. I would strongly deprecate any State interference, direct or indirect.

As regards infant marriage, there is a concensus of opinion as to the limit of marriageable age having been raised with the progress of education and the widening influence of a healthier public opinion. Infant marriages are now less frequent than before, and there is every reason to believe that a marked improvement has set in which only requires time to make it permanent and far-reaching.

2. The question of widow remarriage is beset with greater difficulties than that of infant marriage. There has already been a law recognizing the remarriage of Hindu widows, and though this law has been in force since 1856, it has failed to achieve the results anticipated by the advocates of widow marriage.

3. Mr. Malabari has suggested the adoption of certain administrative measures. I am decidedly against indirect State interference, principally on the ground that it will fail to bring about any good, while our motives will be liable to misconstruction and misrepresentation. It would be impracticable to enforce legislation so far in advance of the general opinion of the community, and such premature legislation by stimulating opposition would also do harm. The reforms which Mr. Malabari so earnestly advocates can be achieved only by the influence and progress of education, and in course of time the operation of social forces will, without direct State interference, bring them about. It is, in my opinion, best to leave them to be so brought about.

From E. E. LOWIS, Esq., Officiating Commissioner of the Burdwan Division, to the Secretary to the Government of Bengal, General Department,—No. 175, dated Burdwan, the 22nd April 1885.

With reference to your circular No. 14T.—G. of the 21st October last, forwarding, for opinion, Mr. Malabari's notes on infant marriage and enforced widowhood in India, I have the honour to report that the papers were circulated to the district officers, and the opinion of educated and intelligent Natives obtained on his suggestion. The question has been widely discussed, with the result of a very decided expression of feeling against any interference on the part of the State. The educated classes are divided in opinion as to the intensity of the evils pourtrayed so vividly by Mr. Malabari, and some are inclined to regard his views as exaggerated; but as to any State interference there is no difference of opinion whatever, all are agreed apparently in thinking that any official interference would be useless, if not worse than useless. It is urged that much has already been effected in mitigation of the evils complained of, that the feeling of the educated classes against infant marriage and enforced widowhood is becoming stronger, and that the movement should be allowed to develop naturally without such official aid as Mr. Malabari suggests should be afforded.

From F. M. HALLIDAY, Esq., Commissioner of the Patna Division, to the Secretary to the Government of Bengal, General Department,—No. 227G., dated Bankipore, the 15th April 1885.

With reference to your circular No. 14T.—G., dated 21st October last, forwarding copy of letter from Government of India, No. 39—1508, dated 11th September last, with copy of a paper on "infant marriage" and "enforced widowhood" in India, by Mr. B. M. Malabari, Bombay, I have the honour to submit the following.

2. The papers were sent to the several district officers for report after consulting Native gentlemen of intelligence and position.

3. From the several reports I have received, it appears that in the existing state of native society Mr. Malabari's suggestions cannot be adopted in their entirety. They find no favour either with the district officers or with the community at large. Of course the evils of early marriage and of enforced widowhood are admitted on all hands, but the means proposed for their removal are generally considered to be neither practicable nor desirable.

4. Mr. Malabari asks how it may be best to mitigate the evils he mentions without calling in the aid of direct legislation, and without offending the susceptibilities of the orthodox, and he sets to work to suggest remedies which are surprising in their almost direct attack on the generally accepted susceptibilities of the orthodox, and which in their application, in some respects, would be simply silly.

Take the proposal that married candidates may be declared ineligible for matriculation at an University, and that bachelors may be preferred for State employment.

Mr. Nolan, the Collector of Shahabad, has very aptly remarked that by such a measure those who married early would be excluded from the learned professions, and handicapped in the competition for advancement. Any rule of this kind, opposed as it is to the feelings of the people, would demoralize the rising generation seeking employment by teaching them to deceive. Candidates would declare themselves unmarried and accept the remote chance of detection and punishment as better than the certainty of exclusion by a fanciful law from the prizes of life.

In the same way the measures proposed for the evil of "enforced widowhood" are vague, and, as Mr. Nolan has remarked, Mr. Malabari has not specified what form the arrangements should take, which should ascertain if widows have adopted perpetual seclusion voluntarily.

Again, the proposal that widows shall have the right to complain to the authorities of "social ill-usage." Unless some explanation of the meaning of the term used is given, it is impossible to criticise a proposal to make "social ill-usage" criminal.

I cannot do better than cite the following from Mr. Nolan's views :—" If we exclude Hindus from the professions and the public services for marrying too soon, we may also exclude Europeans for not marrying at all, Mahomedans for marrying too often, Buddhists for marrying without exclusive possession, and men of all creeds for marrying rashly, and failing to keep their matrimonial engagement."

6. I am decidedly of opinion that the question is not one for Government interference. Reform must come from within, and not from external pressure.

From E. E. Lowis, Esq., Officiating Commissioner of the Dacca Division, to the Secretary to the Government of Bengal, General Department,—No. 137 G., dated Dacca, the 28th March 1885.

With reference to your circular No. 14 T.—G., dated 21st October 1884, regarding infant marriage and enforced widowhood in India, I have the honour to state that, as directed therein, I consulted four Native gentlemen of intelligence and position, and four secretaries of the local bodies in this division, but except Baboo Kedaressur Roy, Judge of Small Cause Court, Dacca, and the Secretary of the People's Association, Burrisaul, no others have yet sent in their replies, though reminders have been issued to them. A letter containing Babu Kedaressur Roy's views on the subject is appended.

2. The Secretary of the People's Association, Burrisaul, states that the Association approve of Mr. Malabari's suggestion that the Education Department should give a few chapters in its school books describing the evils of infant marriage in various forms, but it does not think it would be advisable to adopt the other suggestions made by Mr. Malabari to put a stop to the practice, as they think they will fail to produce any good result.

3. As regards enforced widowhood, the Association is of opinion that sufficient provisions have already been made against it by Act XV. of 1856 and rulings of the High Court, and that no Government should so much interfere with purely social matters as Mr. Malabari wants Government to do in his suggestions in this respect.

4. In this opinion of the Association I entirely concur. Until the people themselves understand the evils of enforced widowhood and are prepared to co-operate with the authorities, it is useless for Government to move in the matter.

From Babu Kedaressur Roy, Judge of Small Cause Court, Dacca, to the Commissioner of the Dacca Division,—No. 313, dated Dacca, the 27th December 1884.

I have the honour to acknowledge receipt of your memorandum No. 474 G., dated 13th ultimo, forwarding notes recorded by Behramji M. Malabari on "Infant marriage in India" and "Enforced widowhood," and in reply beg to submit my observations on the subject as follows.

The evils, as pointed out by the writer, proceeding from infant marriage are as deserving of eradication from an enlightened society as the sufferings described by him of enforced widowhood call for sympathy of the enlightened world; but the real state of things should be enquired into and disintegrated before any attempt be made for a change, and exceptional instances should not be allowed to occupy the place of universal practice. A Hindu marriage and a Hindu widowhood, viewed from a Hindu point of view, are regarded sacred—the one being a sacred tie, and the other a state of sacred privations, in memory of a departed husband; the necessity of interference with these institutions should be determined by the enormity of

the evils to be removed from, and the advantages to be secured to, the society, while the remedies should be proposed so as neither to outrage the religious feelings of the society nor to entail any loss on it.

Infant Marriage.—A girl at the age of eight years is considered by the Hindu *Shastras* as marriageable, when the act of making her over to a bridegroom is thought as attended with virtues to her parents similar to those which attended the making over of *Gouri* (Doorga) by her father to *Siva*, and the age of twelfth year of a girl is considered as the age of puberty, before which she must be married, or perdition shall befall her parents and ancestors. A deviation from this rule may sometimes be observed among the Brahmin Koolins of Bengal, who marry their girls either earlier than eighth or later than twelfth year of their age, when they find it difficult to procure conveniently a bridegroom descended from a family with whom intermarriage is allowed by the laws of Koolinism, but such instances are rare, and tolerated as being according to the popular and time-borrowed laws of Koolinism.

I am not aware of any time fixed by the Shastras for the marriage of a boy as is the case with that of a girl: he may be married either early or late; but if any rule be framed prescribing the marriage of boys on the completion of a certain number of years, or giving preference in the university colleges and schools to the unmarried boys over the married, it will indirectly stand in the way of marriages of girls at the age prescribed. Besides, the introduction of such rules will stand in the way of the education of boys: for instance, a father dies leaving his son, who, in consequence, becomes helpless; the widowed mother seeks for redress in a suitable marriage of the boy that her son may be placed under the guardianship of a father-in-law, who may be able to educate him. This is also done during the life-time of a father who is unable to bear the expenses consequent on the education of his son. Numerous instances of this nature may be found in all the Government colleges and schools. A proposal, similar to the one contemplated by M. Malabari, was once started some time ago in the year 1878, if I remember aright, by Mr. Garret, the Inspector of Schools of the Presidency Circle, but it was opposed by a large number of people of Bengal in meetings convened for the purpose.

I do not think that infant marriages which are calculated to produce the evils enumerated by the writer of the notes are of frequent occurrence now: they are by degrees giving way to marriages at a proper age. Nor do I know that there exists in Bengal any instance of the form of marriages described by the writer in part 2 of his Note I. The theory of over-population advanced by the writer cannot stand if statistics of population of Bengal be compared with those of other countries where early marriages are not in vogue. The custom of marrying Hindu boys and girls, as it stands now, does not, in my opinion, require any interference of the State. Most of the evils complained have already disappeared, and those which are now observed may eliminate in time, which I do not think is far off. It is quite impossible to suggest a mode of marriage in which there should be no evils at all.

Enforced Widowhood.—It is evident from the heading which the writer gives to his Note II. that he is under a notion quite different from that in which widowhood is regarded by the Hindu community at large: he seems to consider as if Hindu widowhood could be divided into two classes, one of which might be called "enforced widowhood," and the other wilful or so. On the contrary, the Hindus regard this as enjoined by their Shastras under the sanction of religion, and their females undergo this state as a duty, with resignation and obedience, similar to that with which they observe their other religious rites. This state is called Brahmacharja, or the mode of living of a true Brahmin. The reverence with which this state of the females is held by the Hindu community was evident from the failure of Pundit Eshwar Chandra Bidyashagar, who ably pointed out that remarriage of Hindu widows was supported by the Hindu Shastras, but was strongly opposed by a number of Pundits, who gained the victory. English education has indeed brought to prominence some evils which lay under the institution, but were tolerated by the people as exceptional instances, and the Government may be justified in removing them without laying hand at the institution long adored by the Hindus.

There are people who, if I may so term it, give their daughters in marriage to the highest bidder, who may be too old to marry a girl of 10 or 12 years of age, and depart this life long ere the girl reaches her mature age. Receiving any amount in the shape of consideration money of marriages of girls is not only hateful in the estimation of respectable Hindus, but sinful in their Shastras: some rules may be framed, either putting a stop to such marriages, or regulating the appropriations of the consideration money, as proposed by the writer.

The Government have already passed an Act (Act XV. of 1856) removing all legal obstacles to the marriage of Hindu widows, and if parents or guardians of any widow possess

moral courage enough to do away with the existing custom of the society, they may easily have protection for their remarried widowed girls in the law; but I do not think it advisable to compel by any rule others who are, by long-cherished custom, opposed to the abolition of perpetual widowhood, not to condemn to life-long widowhood a Hindu girl against her will f she happens to be a minor, as proposed by the writer in his rule I. When a minor is quite incompetent in the eye of the law to enter into any transaction, it will be anything but legal to authorize her to enter into a transaction the most important in human life. Such rule will also be at variance with section 7 of the above Act. A Hindu priest is, unlike the priests of ancient Popedom, not competent to excommunicate any; it is the Hindu society which does so; the writer's view is not correct in his rule IV.

Lastly, I beg to submit that when matters have commenced to take a desirable turn of their own accord, uncalled for meddling may be a precocious step, and lead them to a contrary direction.

From J. F. K. HEWITT, Esq., Commissioner of the Chota Nagpur Division, to the Secretary to the Government of Bengal, General Department,—No. 1342R., dated Ranchi, the 9th March 1885.

With reference to Government circular No. 14T.—G., dated the 21st October 1884, on the subject of infant marriage and enforced widowhood, I have the honour to submit the following report.

2. From the opinions of the Native gentlemen whom Major Lillingston, the Deputy Commissioner of Hazaribagh, has consulted on the subject, it appears that there is one opinion expressed regarding the pernicious effects of both customs, but that it is not considered necessary that Government should interfere in the way of legislation. The Deputy Inspector of Schools, Hazaribagh, makes some proposals regarding the non-admission of married lads to certain examinations, but Major Lillingston doubts if this would have the desired effect in backward districts. He says that our object should be to educate up to a higher level, so as to hasten the re-action which would be sure to follow in the native mind.

3. The Deputy Commissioner of Lohardugga states that, if there is interference by Government, all whose opinions he has consulted on the subject are agreed that it should not be of a direct nature, while some approve of the indirect measures suggested by Mr. Malabari to discourage infant marriages by holding out educational inducements to young men not to marry before a reasonable age. Colonel Samuells writes that these marriages seemingly take place more to gratify the female members of the family than for any other object, and therefore it follows that some more general advancement in the education of women of the country is necessary before one could look for any earnest movement of the people to abolish such marriages. As regards enforced widowhood, Colonel Samuells states that all are agreed that much good may be done by means of an association, and this, it appears to him, is the most that can be done at present. What is really wanted is that the people should learn and know that the *Shastras* do not enjoin either custom, and that the priests and leaders of opinion in the country, and the districts in which they live, are in favour of both customs being abolished. Let this be done by publishing a monthly paper in which these opinions are translated into the vernacular of the district to which the paper is to be sent, and let men of position be called on to declare "for" or "against," and let the names of the former be published. Branch associations should be formed to aid in this work, and every case of a widow marriage, or of first marriage when the ages of the parties were above the limit which the association might fix at which marriages are desirable, should be published under that head for there is nothing after all like example in such matters. It is the bold ones who first lead the way, the timid ones will then soon follow. That the association might include membership on the condition of each member pledging himself to carry out the objects of the association as far as lies in his power by discouraging infant marriages and encouraging widow marriages. Government might aid the association with funds, but beyond that the countenance and sympathy of Government ought not to go.

4. Baboo Ganga Nund Mookerjea, Deputy Magistrate and Deputy Collector, Manbhoom, whom Mr. Clay, the Deputy Commissioner of the District, thought well qualified to give an opinion from an orthodox Hindu point of view, evidently thinks that the custom of infant marriage and the prejudice against remarriage of widows are not matters in which interference by Government is either desirable or likely to be efficacious, and that any reform must come from the people themselves, as these gradually become more enlightened and freed from the trammels of immemorial custom.

5. Major Garbett, Deputy Commissioner of Singbhoom, after consulting with some of the leading and most intelligent Native gentlemen of the district, states that the ideas embodied in Mr. Malabari's note are the ideas of all thinking men and of all well-wishers of India. But unfortunately the ideas are in advance of the times, and caste prejudices and superstitions are at present too strong. We must, he says, wait for the progress of education and of Western civilization and modes of thought. In any case Government can do little or nothing to further the cause Mr. Malabari has so much at heart, for Government interference would only arouse suspicion and opposition. The matter rests almost entirely in the hands of the Natives themselves, and the best and most practical way of proceeding would be to form committees in every town and large village, and at the head-quarters of every district and sub-division. The members of such committees must be men of high position and independent means; no others can dare move in the matter. In this way some good may be done, but only slowly and by degrees.

6. I myself think that, while it is most desirable that the opinions expressed by Mr. Malabari should become the current opinions of the community, yet that the interference of the Government in the matter would tend to delay their final adoption. The present customs would be maintained out of a spirit of opposition, and the final reforms would be made more difficult by Government interference. All that Government could or should do would be to promote, as far as indirect official influence can do, the formation and maintenance of associations for the reform of the present customs, and to let these associations do them in the way that seems best adapted to secure the changes desired, without trying to impose forcibly these changes on those who are unwilling to accept them. I am sure that, as young men find they cannot maintain families on the income they can expect to earn while very young, they will cease to burden themselves with the responsibilities which can only add to their anxieties without giving them any adequate help in overcoming the increased difficulties caused by their imprudence.

From D. R. Lyall, Esq., Officiating Commissioner of the Chittagong Division, to the Secretary to the Government of Bengal, General Department,—No. 124 J.—G. M., dated Chittagong, the 3rd February 1885.

I have the honour to acknowledge the receipt of Government circular No. 14 T.—G., dated the 21st October 1884, forwarding copy of a paper on "Infant marriage" and "Enforced widowhood" in India by Mr. B. M. Malabari of Bombay, and requesting an expression of opinion on the subject after consulting Native gentlemen.

2. In reply I beg to state that I have consulted the Magistrates of the Districts, and through them the leading Hindu inhabitants and associations in this division, and the unanimous verdict is that active interference on the part of Government would do more harm than good.

3. At a meeting of the Hindus of Comillah, one of them pointed out that section 2 of Act XV. of 1856 was contrary to the Hindu law on this subject as laid down by the High Court. I annex copy of so much of the report of the proceedings of the meeting as deals with this point. The suggestion appears to me to be a good one. I annex also an extract (paragraph 3) from the report of Deputy Collector Baboo Ramokhoy Chatterjee of the same district, which also deals with the same subject.

4. I also annex copy of a letter from the head-master of the school at Noakhally, which appears to me to be on the whole the best paper I have received on the subject. The Magistrate of Noakhally, Mr. A. Barooah, I may add, while opposing infant marriage and approving of widow remarriage, deprecates anything in the shape of Government interference.

5. The Magistrate of Tipperah sums up the question well in the following words with which I thoroughly agree:—

"The tyranny of caste is the tyranny of religion as at present understood by the people, and it is immaterial whether the religious views now held are in accordance with the *Shastras* or not; if they are not, the best plan would be to correct the public opinion. This is certainly not the business of Government. Wherever Mr. Malabari's arguments are directed against caste, they are really assailing the Hindu religion as now understood; it is not possible for Government to maintain a policy of non-interference with religion, and yet assail caste prejudices based on religion, or what is believed to be religion."

6. Mr. Malabari's proposition that the price of a girl should be invested for her benefit has met with some support, but no practical suggestion has been made as to how the proposal could be enforced, and I confess I fail to see how it could be worked.

7. The universal opinion is that reform in matters like this must come from within, not from without, and the great majority of those consulted believe that matters are impoving, and that if too zealous reformers, such as Mr. Malabari, do not raise opposition by the violence with which they insist on their own views, things will go on improving towards the point which Mr. Malabari wishes to reach at a bound.

Extract from the Magistrate of Tipperah's report regarding the proceedings of the Meeting of the Hindus of Comillah (paragraph 40).

"The meeting of Hindu gentlemen in this town has resulted in a report from the President, Deputy Magistrate Baboo Ramokhoy Chatterjee, and has resulted in one proposal which will be found in paragraph 3 of the report, and which, I think, is practical. I refer to the repeal of section 2, Act XV., 1856, which disinherits a widow who remarries. So far as I can learn, the feelings of the Native gentlemen are divided on the subject. I believe the larger portion being opposed to change, the lower orders in this and other districts are in advance of their betters in having a form of remarriage called sagai, which resembles the nikha of the Mahommedans, and is not attended with social penalties."

Extract from the report of Deputy Collector Babu Ramokhoy Chatterjee (paragraph 3).

"One learned gentleman, however, made a practical suggestion which he thought would further one of the ends aimed at by Mr. Malabari, *viz.*, the marriage of the Hindu widows, Referring to section 2, Act XV. of 1856 (Act legalizing Hindu widow marriage), which provides all rights and interests which any widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition, conferring upon her without express permission to remarry only a limited interest in such property with no power of alienating the same, shall, upon her remarriage, cease and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same." He argued that the insertion of this section in the Act is not only detrimental to the cause of Hindu widow remarriage, but is also inconsistent with the Hindu law as laid down by the highest court in the country in the case of Mani Ram Kalita *vs.* Kerry Kalitani, well known as the great "unchastity case." It was held in this case by a Full Bench of the Calcutta High Court that under the Hindu law a widow, who has once inherited the estate of her deceased husband, is not liable to forfeit that estate by reason of unchastity (19 W. R. 367), and this decision was confirmed by the Privy Council. This decision was based on the general rule recognized by the Hindu law that an estate once vested cannot be divested. Then he pointed out that section 2 of the above quoted Act was evidently inconsistent with the above rules, inasmuch as a widow after inheriting the estate of her deceased husband is allowed during her lifetime to retain the property although she becomes guilty of unchastity, while the section aforesaid goes to deprive her of the estate by reason of her legally marrying a second husband. He therefore suggested the advisability of asking the Government to repeal section 2 of the said Act XV. of 1856. This view was endorsed by some of the advanced and English-knowing members of the Hindu community present at the meeting."

From Babu KAILASH CHANDRA BHATTACHARJI, Head-Master, Zillah School, Noakhally, to the Magistrate of Noakhally,— d Noakhally, the 11th December 1884.

With reference to the Government letter circulating for opinion certain notes on "Infant marriage" and "Enforced widowhood" by Mr. Malabari, I have the honour to submit the following remarks. My observations are confined to what I know of the community on this side of Bengal.

I.—"*Infant Marriage.*"

2. Under this head Mr. Malabari puts forth the following suggestions:—

(*a*) That in connection with the Education Department, it be ruled that no married student shall be eligible, say, five years hence, to go up for certain University examinations.

(*b*) That there be associations of educated youths pledging themselves not to marry under a certain age, and not to marry girls too much under their age.

(*c*) That the selling of brides be put down, by ruling that the money received from the bridegroom is to be safely deposited in the bride's name and for her exclusive use.

3. To take the male side of the question in Bengal at least, there is generally no anxiety on the part of the parents to marry their boys too early, say under 10 years, except under very peculiar circumstances, arising out of two rather extreme causes, *viz.* too much poverty, or too much riches. But such cases are few, and are not certainly more than could be allowed for casualty in so complex a society as ours is in this country. On the contrary, the great bulk of our boys are at present married at an age between 16 and 21 years, and another very large fraction between 21 and 25 years. These are at present the two normal periods of marriageable age for boys. I never contend that these periods are not too low; but remembering that they are contingent upon the age fixed for the marriage of our girls, the blame attaches to the parents of the latter, who indeed become promoters of early marriage in our boys.

4. The whole question of "infant marriage" turns therefore upon the unanimous injunctions of the *Shastras* to marry girls before the age of puberty. Except in certain cases of *Kulin* Brahmins, this rule is very strictly adhered to, and its breach avoided with horror by parents generally. This fact alone sets a limit, and that a very low limit, to the maximum age of maidenhood. If the stringency of this custom could be slackened, matters in other respects would improve of themselves. A girl must at present be married under 12 or 13 years; and if in any solitary case this age is exceeded, it arises from circumstances which the anxious parents' endeavours to the contrary have failed adequately to meet. Generally the seeking of a bridegroom begins with the girl's slipping into the 7th or 8th year of age, and ordinarily the marriage is consummated with her 10th or 11th year. The feelings of the educated guardians in all communities are against the custom; but no one is in his own case prepared yet to put up with the social ignominy attaching to the departure from a deep-rooted and time-honoured custom enjoined by the *Shastras.*

5. The remedy lies in strengthening the hands of the parents of girls, and instead of calling up associations of unmarried students as suggested by Mr. Malabari, there ought to be in all chief centres of population associations of guardians pledging themselves to act in concert for the purpose of raising the limit of marriageable age of girls. Correspondingly, there should be associations of boys' guardians also to promote and co-operate with the former, and to serve as supplementary to them.

6. Already in several parts of the country matters are showing signs of improvement; and if managed with due prudence and intelligence, movements like the above are likely to be popular and attractive in most parts of Bengal. But to ensure success and disarm the opposition of the orthodox class, the subject ought to be approached in a kindly and liberal spirit, so as not to rouse counteraction by unnecessary bluster and ostentation. Among the priestly castes there are to be found at present several pundits of enlightened and liberal views, whose sympathies and co-operation may be enlisted by a little management, and thus a good deal of orthodox opposition may be warded off, and the fear of social ostracism minimised. For thousand reasons the ruling class should not directly interfere in these movements, as such a course is sure to raise unnecessary suspicion in the uneducated mind. The matter should be left in the hands of such Native gentlemen of position and respectability in every locality in whom the people have confidence.

7. Mr. Malabari's suggestion of making the Education Department take the initiative in these movements seems to me to be fraught with dangers. It is only calculated to make public education unpopular in this country, and bring on an immense fund of discontent and grievance. All social reformations, to be productive of practical good, must arise from the society itself, and must not touch its independence and freedom of action. External compulsion does not avail much in extensive social matters like these. For a time it may assume an appearance of success, but the evil will crop up in a hundred other ways unless the society has been in its own way prepared to accept the large change and accommodate itself to it.

8. Mr. Malabari's suggestion for putting down the selling of brides is, however, a good one. Both the injunctions of the *Shastras* and the sense of the community are already against the practice, and although a legislative enactment prohibiting it would seem to be an extreme measure, yet in this case Government might directly discourage it by ruling as Mr. Malabari has suggested. In spite of the social degradation that attaches to the selling of brides, the practice is rather common all over Bengal, and cruelly oppresses certain sections of the community. With some degraded parents it is a regular profession on which they live, and they do not mind the degradation from the pecuniary profits they make out of it. The hand of Government is unfettered in this matter, as they have the authority of the *Shastras* to support them.

II.—" Enforced Widowhood."

9. Every one of Mr. Malabari's suggestions under this head strikes me as both unpractical and uncalled for, at least for Bengal. Government has, I think, done enough in this direction by its enactment of Act XV. of 1856. Anything further than that on the part of Government would imply coercion, which, in a quasi-religious matter like this, must be deprecated. Instances of the remarriage of widows are multiplying fast, and besides the Brahmos, the Hindus are also gradually taking to it. Just at present a powerful movement in this direction is thriving well in Jessore, where the Rajas of Naldanga are its promoters. To me it appears to be only a question of time for the movement to become general and popular all over the country. Associations of Native gentlemen may be started with advantage for this purpose, as well as for the prevention of " infant marriage" upon the lines indicated above for the latter.

10. Mr. Malabari's last suggestion is for a " National Association for social reform," and he proposes that all the foremost personages connected with the administration of the country should be its patrons and promoters. The idea is certainly very grand, but its practical usefulness to remodel the society remains questionable. For real work we must look more to the unostentatious endeavours of individual zealots working locally within their own sphere.

11. On the whole, Mr. Malabari's "notes" are important more for the attention they draw to the evils in question than the remedies advanced by him. Every such agitation does of itself some good to the cause of reform by rousing and keeping up from time to time the sense of the nation against the evils. Herein the " notes" have been well effective.

12. It may not be out of place for me casually to advert in conclusion to a most mischievous evil peculiar to Bengal society, which has not been touched by Mr. Malabari. I mean the *Kulinism* of Bullal Sen. I think, of all the evils pertaining to Bengal society, Kulinism occupies the foremost place, both for its effects and its extensiveness. It is needless for me to describe here its effects, which are so well known to all in this side of India. I only purpose to say that no measure of reform in Bengal should lose sight of this most heavy incubus upon the society. I refrain from indicating the remedies of this sore evil, as they involve large social questions which it would be out of place to enter upon in this casual notice of the subject.

From G. N. Barlow, Esq., C.S.I., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs, to the Secretary to the Government of Bengal, General Department,—No. 384Ct., dated Camp Bowsee, the 9th January 1885.

I have the honour to reply to your circular No. 14T.—G., dated 21st October last.

2. I have consulted some of the leading and most intelligent Native gentlemen of this division, belonging to the orthodox as well as the advanced party, upon the subject of Mr. Behramji M. Malabari's proposals connected with infant marriage and enforced widowhood, with the following general results. I do not find that any person amongst those consulted denies the fact that the existing customs in these respects are productive of evil, and the opinion that I gather is that reform would be acceptable if it could be arrived at without doing violence to Hindu prejudices upon the subject. Some of the leading gentlemen belonging to the orthodox party make a distinction between the two cases, and suggest that the proposals of Mr. B. M. Malabari, involving direct interference by the State with infant marriages, which are not inculcated by the Shastras, might be attempted ; but they decline to approve of anything being done to assist the remarriage of widows, as they view the prevailing system upon this head as supported by the sanction of religion. So far as the contemplated action is concerned, there is a concensus of opinion that active State interference should follow and not precede any movement that may be made by the leaders of society in the way of forming associations with the object of enlightening and directing public opinion upon these matters. It does not appear that encouragement and assistance afforded by Government to such associations would be regarded by the people as objectionable.

3. For my own part I entirely agree in the opinion thus expressed. In a matter of the kind much more is to be done by persuading the people than by driving them. If the Government take the first step, the effect will probably be to provoke considerable hostility at first, which may serve to delay the success of the reform. On the other hand, if the leaders of society unite, this fact alone will have a strong influence for good. These should be in the best position to propose the proper steps to be taken to start reform, and assistance given by Government at their request would be free from objections that certainly will arise if Government take the initiative.

4. I submit copy of the note by Babu Peary Mohan Sircar, a much respected member of the Bengali community here.

From Babu PEARY MOHAN SIRCAR, to the Personal Assistant to the Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,—dated Bhagulpore, the 4th December 1884.

I beg to acknowledge the receipt of your letter No. 304G., dated the 13th November, inviting me to express my opinion on the subject of " infant marriage" and " enforced widowhood" as embodied in the notes prepared by Mr. Malabari annexed to the said letter. In reply I beg to inform you that I have carefully gone through these notes and arrived at the following conclusion.

The principal defect of these notes is that Mr. Malabari has not fully discussed the religious side of the question.

Regarding infant marriages he says : " I have never heard an argument in favour of infant marriage as a national institution except that it is enjoined by the Shastras. But so far as I have been able to see, no Shastra enforces marriage proper on a girl under 12 years of age." &c., &c. It may be true that no Shastra enforces marriage on a girl under 12 years, but it is also true that none sanctions it above that age. It is laid down in Manu, as is generally known, that if a girl before her marriage has her first menses, her parents and brothers are doomed to go to hell after their death ; the result is that every Hindu parent is anxious to marry their daughters before they reach the age of puberty. A Hindu girl generally attains her age of puberty after she passes her 12th year, and before she reaches her 14th, but there is no knowing when such an event will happen : consequently, a Hindu parent is obliged to marry his daughter at or before the age of 12. Thus, it is very difficult to fix the limit of marriageable age for Hindu girls, and Mr. Malabari has wisely abstained from making any such attempt. But it may be remarked that a Hindu father may reasonably be expected to keep his daughter unmarried till she reaches the age of 12, although it would not be wise to fix such a limit by any legislative enactment. Mr. Malabari himself is not in favour of such a scheme, but he suggests that the State might show its disapproval of the practice indirectly. One of his suggestions is that the educational authorities might rule " that due notice being given no married student shall be eligible to go up for University examinations, say five years hence." Later on he suggests that the " head of a department may prefer the unmarried candidate to the married, all other qualifications being equal." Mr. Malabari supports the latter on the ground that " the State has a right to insist upon having the best available servant," although it is very difficult to understand how an unmarried candidate is a better servant than a married one ; but leaving this question aside it may be remarked that if Mr. Malabari's suggestions were adopted Hindu parents would be placed in a very dangerous position, as it would be very difficult for them to find out eligible matches for their daughters. Persons having sons would be induced to keep them back from the marriage market, and girls would have to be given away in marriage with old men, a practice which Mr. Malabari very rightly condemns, or be kept unmarried till they have passed the age of puberty, in which case their parents would be excommunicated from their caste. Mr. Malabari cites the instances of Government having abolished the custom of suttyism and infanticide. But infanticide had never been a part of the religious institutions of the Hindus, no Shastra ever enjoins such a horrible practice. As to suttyism there may be isolated texts which hold out the temptations of future blessings to a woman who follows her husband to the funeral pyre, but nowhere is it laid down that if she choose to survive her husband she will be condemned to punishment after death. On the contrary, elaborate rules and precepts are laid down as to how a widow should spend her life after the death of her husband, and salvation is promised if she conform to these rules ; so Government did not interfere with the religion of the people when it put down the practices of suttyism and infanticide.

My views as to " enforced widowhood " are the same as I have expressed above. It would be inexpedient for Government to lay down rules as suggested by Mr. Malabari. Mr. Malabari ridicules benevolent let-alone-ists, who suggest that the growth of a healthy public opinion is the only possible remedy in such cases, but the very fact that Government has enacted Act XV. of 1856, and yet very few persons have availed themselves of it, and that it is practically a dead letter, as Mr. Malabari admits, shows how legislation is powerless in matters like these, unless it has got an enlightened public opinion to support it. The evil effects of " infant marriage and enforced widowhood" are many, but they must be tolerated, as many other social evils are, till people themselves choose to break down the fetters by adopting high moral principles and living purer lives.

From LORD H. ULICK BROWNE, Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal, General Department,—No. 10Mct, dated Darjeeling, the 8th April 1885.

Referring to Government circular endorsement No. 14T.—G., dated 21st October 1884, I have the honour to report on the important proposals of Mr. Malabari in regard to checking infant marriage and enforced widowhood among Hindus.

2. I requested three of my district officers to consult Native gentlemen of intelligence and position, and to let me have their opinions; and if the district officers themselves wished to express their own views, I requested them to do so.

I enclose an abstract of the replies I received, as also a note of my Personal Assistant, Babu Hori Mohun Chandro, a Hindu gentleman who, as his remarks show, has taken special interest in these questions.

3. Probably Government will receive few replies that do not dwell on the difficulties in the way of Government taking any action in the matter, and they seem to me very great To enact laws putting a stop to both evils all over the country is of course quite out of the question, and it seems to me that, with one exception, Government could not legislate at all even in the direction of check only all over India. The exception is the repeal of section 2, Act XV. of 1856, with reference to which Babu Hori Mohun Chandro draws noteworthy attention to the circumstance that, while under common or case law a Hindu widow does not lose her rights to her husband's property by unchastity, under statue law she loses them by marriage. This is an anomaly that, it seems to me, Government are almost bound to remove, and will, at all events, have a strong case for doing so.

With this exception I think it inexpedient that Government should legislate ever so little in the way of the check except in districts or portions thereof in which it has been ascertained that a certain number of Hindus of influence and position are in favour of it, and even then it should be tentative.

4. Nor do I think it expedient for Government to take very decided executive action in matters at their own disposal, unless it has similar support from such a section of the Hindu community as cannot be called insignificant. I do not think any substantial advance can be made in these matters, by Government especially, until education has spread much more than it has at present, and that very little can be effected till then either by Government or by enlightened Natives, or by both combined. I think, too, that it is to the Natives themselves that we must chiefly look for improvement whenever it is effected, and that an expression of opinion and representation of a section of them entitled to respect should be the basis of any action taken by Government.

5. It seems to me that all Mr. Malabari's suggestions are open to the objections and remarks to be found in the enclosed papers, which are also illustrative of the difficuties we experience in dealing with these questions. Two Deputy Magistrates of the Mookerjea caste differ *in toto* as to whether action should be taken or not; and one of them, it will be seen, is not opposed to what is, in a Hindu point of view, moderately early marriage. Again, it would seem from what Babu Hori Mohun Chandro says, that all the Hindu sacred books are not in accord as to the time when a girl should be married.

The suggestions that married students should be ineligible for University examinations, and that unmarried young men should be given the preference for appointments in the service of Government, seem to me worth but little. Certainly some early marriages would not take place in the case of lads bent on University distinction, but service under Government does not count towards pension under 22 years of age, and boys are not admitted; so if discouragement to marriage were held out among many of those who are candidates for public employment, other connections would, in this precocious land, be encouraged.

Again, only one sex would necessarily benefit (and that to a very limited extent) by adopting these suggestions, as once the examination was passed or the appointment obtained, the bachelor might marry a girl of ten, though a boy of six would not have married a girl of four.

6. On the whole, I think Government might consult intelligent and reliable Hindus on the question of simply repealing section 2, Act XV. of 1856, and unless there is strong consensus of opinion against the proposal, I would repeal the section. Government might further suggest to reading and enlightened men among the Natives, that they might possibly do good by exerting themselves to obtain opinions as to what else could be effected by themselves or by Government, or both in two or three of the most advanced districts in Bengal, to advance the two objects without creating distrust and excitement among the Hindu public. A body of such enlightened gentlemen might, after consideration and discussion, and after consulting learned pundits, be able to lay before their advanced countrymen specific suggestions, and sound them as to the extent to which they could be adopted or carried out. I would do no

more until the result of such action is known, and would certainly do nothing at all in Behar and backward districts at present, nor would I suggest its being done by others.

A brief abstract of the opinions on the Infant Marriage and the Enforced Widowhood.

Mr. Beadon, Collector of Dinagpore, consulted two Native Deputy Magistrates, Babus Uma Churn Banerjee and Sitakanto Mookerjee, who expressed their opinions as follows :—

Babu Uma Churn Banerjee admits the evils of infant marriage and enforced widowhood as requiring remedial measures, but would have no interference on the part of Government officials (however indirect), specially from the executive officers, as such a step will raise fierce and strong opposition. He disagrees with Mr. Malabari's proposal that educational authorities might rule that no married students shall be eligible to go up for University examinations, &c., and says that the University could have no right to reject aspirants simply because they are married. He approves of the suggestion in clause 5 of paragraph 1 of Mr. Malabari's letter of a University Association pledging its members not to marry under a certain age, and not to marry girls far younger than themselves. He also says with regard to Malabari's four recommendations that action under II. would be a powerful engine of oppression, action under III. can bet aken under the Penal Code and Act III. of 1872, and action under IV. is practically impossible, because excommunication consists in refusal to eat, to marry, or to have social intercourse with the excommunicated, and a man is strictly within his private right in these matters and cannot be forced by law.

Babu Sitakanto Mookerjee also admits the two evils, and would prevent them through the aid of legislation. He would fix 14 years as the minimum marriageable age of girls, and 20 years for the age of bridegrooms, and have every marriage to be by law compulsorily registered by the priest of each family. With regard to enforced widowhood, he endorses al that Mr. Malabari writes regarding the sad position of the widow, and suggests that to ameliorate their condition a respectably constituted standing Central Committee of learned pundits and religious men, and highly respected high caste laymen, should be formed. These should assemble every five or six years, and decide every such question represented by delegates from similarly constituted provincial Committees, such decision having the force of law.

Besides consulting the above officers, Mr. Beadon discoursed on the subject with two or three other Native gentlemen of education in the course of his cold weather tour, and says that he is quite certain that the time has come when Government may take *some steps* in furthering these social reforms. He notes one suggestion that has been made to him, *viz.*, "that remarriage by a widow who has borne children should not be pressed, but that only those who married in infancy and became widows without arriving at the rights of wives." As the great evil is early marriage and not enforced widowhood, he thinks that the cure for both would be in restricting marriages at least till the 14th year. Now for the interference of Government by legislation he says :—

I am convinced Government might wisely appoint a special Commission composed of Native gentlemen of high caste, with orders to proceed to each district and record the evidence of all classes as to the desirability (1) of a law or of indirect action, and (2) of the particular steps that would be the most acceptable to the people. Or there are now numerous societies throughout the length and breadth of Bengal which might be asked to express opinions on these points, and action might be taken upon these opinions.

As regards Mr. Malabari's proposal of official sympathy, Mr. Beadon cites an instance of his own personal experience, and doubts that such a course should be of any avail. He thinks that—

Government might now help on the growing feeling against these practices. The seed has been sown, the soil was not prepared at the time, and the young plant has raised its head under all the disadvantages of having to contend with the deeply-rooted weeds of prejudice, timidity, caste oppression, and physical desire. Left entirely to itself *it may* grow up strong and well, but it may also be of very slow growth, and result in only a sickly and dwarfed shrub. Assisted by Government on judicious lines, the result will undoubtedly be speedier and growth firmer.

As instances of ways in which Government might indirectly act, Mr. Beadon makes the following proposals :—

(1) Prizes for essays in Sanskrit, English, Arabic, Persian, and the local languages might be offered throughout India for the best essays on the two subjects.

(2) All the religious institutions of repute, all the best known societies throughout India, might be consulted, the question being "if it be acceded that early marriages or enforced widowhood are customs of pernicious tendency, in what way should Government assist the people of the country in making reform so as to secure general approval?"

(3) Debating societies might be invited to agitate the subjects in all their bearings, and encouraged to send copies of their proceedings on these subjects for the information of Govern-

ment, and those now in favour of reform urged to renewed efforts in persuading their more conservative co-religionists.

(4) The evils of early marriage might be pointed out in school-books, statistics regarding the average marrying age in other countries of the world being supplied, together with any statistics regarding longevity, robustness, stature, &c., which may be found to bear upon the point.

(5) Indirect inducements to students remaining unmarried up to (say) 25 years of age. This will be most difficult, but it stands as one of Mr. Malabari's proposals, and if practicable would do good. But posts could not long be supplied to every student who remained unmarried till 25 (the maximum age of entering Government service), and there would be great difficulty, without compulsory registration of all marriages, in finding out who is married and who not.

(6) All information gathered in this way might be published (in part summarised) in the *Gazette of India*, the vernacular Gazettes, and (in Bengal) the Educational Gazette.

Mr. Ruddock, Collector of Rajshahye, consulted four Native gentlemen on the subject, whose opinions are as follow :—

Babu Kasee Kinkur Sen, Deputy Magistrate, admits the two evils, but the measures suggested by Mr. Malabari for their removal do not seem to him to be sound, and are not sufficient to accomplish the end. To debar married men from going up for University examinations may have the effect of checking child marriage to some extent, among those classes of persons who appreciate the value of education, but their number compared with the mass of the people is considerably small. It is among the illiterate mass that early marriage obtains more widely. Few of them go in for University education. If Government interference is thought expedient, it must be of a direct and peremptory nature, prescribing a certain limit of age and declaring all marriages contracted before attaining that age illegal. With regard to enforced widowhood he says:—

I quite approve of the remarriage of widows. It will indeed take a very long time if we are to depend on the gradual spread of public opinion for the accomplishment of the object, but the measures proposed do not seem to be practical. The first three rules, if adopted, will have merely a declaratory force. Under the present state of our society it will not be feasible in families where the male members are opposed or even indifferent to the remarriage of widows to ascertain the wishes of the widows, or to induce them to seek redress in court.

Babu Gopal Chunder Mookerjee, Deputy Magistrate, disagrees with the views expressed by Mr. Malabari on infant marriage and enforced widowhood, and is of opinion that Government cannot properly interfere in a question of this nature, which is connected with the religion of the people. He is for early marriage, and quotes a Sanskrit verse showing that it is enjoined by Shastras that girls under 12 should be married. He says that the early marriage cements the love from the tender ages of the married couple, and shows how this is effected. In his opinion early marriage in boys leads to no obstruction of their education and progress. To prove this he states that nine-tenths of the University graduates are led through the hymeneal altar. He disapproves of the suggestions made by Mr. Malabari to suppress early marriage, and observes that the rule proposed by him by not allowing a married student to go up for University examinations "will be regarded as a monstrous innovation. The Principal of a college has no right to disallow a boy from going up for his examination if he has rendered himself qualified for it and passed the test examination of the school or college to which he is attached; so, again, it is no business of the head of an office to enquire if the candidate for a particular vacancy is married or a bachelor." He says it is not easy to "put down" early marriage "at once," time-honoured, and regarded with religious reverence, by any rule or legislation, and the only method that would prove efficacious is the training of the mind, which would make the people renounce their habits of their own will, and when this is done there is no cause to complain.

As for the suggestions of Mr. Malabari in respect of enforced widowhood, the Deputy Magistrate says they "are not all suited to our women. Our females are not so educated as their sisters of Bombay, who have gone up to Her Gracious Majesty the Queen with their heart-rending appeals for the suppression of the practice of enforced widowhood. They are more fitted for the business of their sex to become good housewives and good mothers rather than to display their skill in verse before the Queen Empress." He disapproves of the suggestions of Mr. Malabari, which will lead to inquisitorial proceedings in regard to enforced widowhood. He advocates the cause of widow marriage in the form prescribed by Pundit Iswar Chunder Bidyasagar, and recommends the marriage of girls who have at a very early age, and before attaining their puberty and before sexual connexion with their husbands, have lost their husbands.

Babu Jadoo Nundun Sen, Dewan of Maharanee Sarut Sundaree Debee of Pootea, gives his opinion as follows :—

He admits the two evils, and is of opinion that to remove them Government interference (though not so far as proposed by Mr. Malabari) seems to be necessary.

As regards infant marriages, he suggests that marriageable age should be fixed by a positive enactment. He would fix 20 years for the males and 13 for the females as the minimum marriageable age for all the Hindus, and says that any marriage contracted before the above limits shall be voidable. He therefore considers it just and wise to collect the opinion of the learned pundits on the Hindu law before legislating on the subject. He agrees with Mr. Malabari's proposal of the interference of the educational authorities, but not in the way recommended by him. The Babu says that "this evil may to a certain extent be mitigated, if the educational authorities rule that no one but bachelors will be entitled to scholarships." As regards enforced widowhood, he is "in favour of the remarriage of widows who have during their minority unfortunately lost their husbands without having been blessed with a child."

Of the four proposals made by Mr. Malabari, he says with regard to the second one that it is quite impracticable, for endless oppressions and injustices may be exercised by many of the subordinate officers who shall have some power in enquiring about the state of widows. The third and fourth proposals are in his opinion wished for, though with some alterations.

Babu Kalli Komul Moitra admits the evil effects operating on native society by the prevalence of the two pernicious customs, and concurs fully with the suggestions made by Mr. Malabari with regard to them, and gives his own opinions on the subject as follow :

In his opinion "widows should be remarried under certain conditions. First, a widow being the mother of children of either sex should not be allowed to marry again in spite of her hearty desire to do so. Secondly, widows should remarry under certain age, which I recommend to be fixed at twenty years."

As regards infant marriage he tallies fully with the views expressed by Mr. Malabari on the subject, and expresses his delight if the evil be removed by the interference of Government. He also suggests that not only the infant marriage should be prevented, but that Government should interfere either in the shape of law or some other mode to enforce the intermarriage between the Radhri and Barendro Brahmins if the bride or bridegrooms or their parents choose to do so as well as the abolition of Kulinism.

Mr. Newberry, Collector of Rungpore, consulted on the subject two Native gentlemen, *viz.*, Babus Syama Mohun Chuckerbutty, and Mohima Ranjan Roy Chowdree, the former a leading pleader, and the latter an enlightened zemindar. Their opinions are as follows :—

Babu Syama Mohun Chuckerbutty admits the two evils, and makes the following suggestions for their removal :—

"The best and the most proper way to root out the evils is to extend moral and intellectual education among the people." He says that the remedies suggested by Mr. Malabari for the suppression of early marriage "are not likely to affect the masses, who, as a rule, do not care much to educate their children and make them fit for Government employment." He thinks "education will take centuries to make the people conscious of the injurious effects of infant marriage and to finally put a stop to them. When the evils are so great and should be speedily removed, it is but just and proper that legislature should interfere and frame such a law as will meet the desired end."

As regards enforced widowhood, he is of opinion that "the progress of education will in course of time do much in removing the obstacles now thrown in the way of widow marriage."

As regards the four rules proposed by Mr. Malabari, he makes his observations on them as follow :—

As to the first rule, I beg to observe that a Hindu widow, if she is a minor, cannot be expected to be able to exercise her discretion properly.

The second rule will, I am afraid, be an engine of oppression and tyranny in the hands of designing persons.

With respect to the third rule, I have only to say what remedies can the authorities give to the widow if the complaint is made to them?

In Bengal the priest alone cannot excommunicate any one. It is the community which does it. If the members of the community decline to associate with the married couple, their relations and connections, I do not see how the fourth rule can prevent it.

Babu Mohima Ranjan Roy Chowdree says that :—

As with the progress of education the number of enlightened persons is gradually and steadily increasing, and the evils of infant marriage and enforced widowhood are appearing before their mental light with gradually increasing earness, State interference, in any way, is in my opinion unadvisable. Society left to itself will at no very distant time work out the result which is at present sought to be accelerated by Government aid to the positive annoyance of the orthodox Hindu community.

Note on Infant Marriage and Enforced Widowhood, by Babu HORI MOHUN CHANDRA, *Personal Assistant to the Commissioner, Rajshahye Division, dated 31st January 1885.*

CHAPTER I.

INFANT MARRIAGE.

The evils of infant marriage are acknowledged by many; indeed, most of the educated community desire their removal; but the question is, how can this be done without interfering unduly with the religious and social prejudices of the people?

2. Some of my countrymen are of opinion that direct legislative action should be taken in the matter, and it appears to me that such a course would be quite consistent with the Institutes of Manu, as the following references will show.

Thus, the twice-born Brahmins, Kshetryas and Vashyas are required to begin to wear their sacred thread on the 8th, 11th and 12th year; but the investiture may be made as early as the 5th, 6th, and 8th year, or it may be delayed till the 16th, 22nd and 24th year respectively. *Vide* Institutes of Manu, by Sir William Jones, chapter II., verses 36, 37, and 38.

Then they are to commence study, which may be continued for 36 years, and only after finishing their education are they to assume the order of married men. *Vide* Chapter III., verses 1 and 2.

In Chapter III., which deals with every minute detail of the marriage ceremony of the twice-born, I nowhere find the marriageable age of males fixed; and the reason seems to be that the time spent in education by the twice-born might vary from 9 to 26 years according to the aptitude or dullness of the pupil, so that a twice-born could marry at any age, say between 14 and 60 years.

In verse 89, Chapter IX., I find that a "damsel, though marriageable," may stay at home, till her death if a suitable bridegroom cannot be found.

We find that this custom is frequently observed in the present age by many families unable to get bridegrooms of suitable social position, or, as in some cases, which will be noticed further on, when they are unable to meet the demands of the bridgroom's parents or guardians.

Verse 90 says :—" Three years let a damsel wait, though she be marriageable; but after that term let her choose for herself a bridgroom of equal rank."

This shows that a girl after she has become "marriageable" should wait three years and then select a husband.

In verse 93 I find the following sentence :—

" He who takes to wife a damsel of full age," &c., &c.

The words in the original text for a " damsel of full age " are I believe ऋतुवती कन्या।
which mean a girl who has begun to menstruate.

Here it appears that a girl *may* be married *after* she menstruates.

In verse 94 I find " A man aged 30 years may marry a girl of 12, &c., &c., but if be *finish his studentship earlier*, &c., &c., let him marry immediately."

From these verses it is quite clear that a girl *may* not be married before she comes to her "full age," *i.e.*, before she menstruates.

I am aware that, in the opinions of many learned men, some of the laws laid down by Manu have no force in the present age, but the texts above quoted are not among those.

3. It is true that the evils and disadvantages arising from early marriage, especially on the male side, have been felt by us with the advance of education, and consequently marriages are frequently deferred to a later period than was customary formerly, but the following extract from Mr. Bourdillon's report on the census of 1881 will show that the progress, on the female side at least, has been very slow in Bengal. He says :—

Early as the children of natives are given in marriage, however, it would appear that betrothals, even of female children below the age of 5 years, are almost unheard of. Accordingly it may be assumed that no marriages take place during the first quinquennial period, and that all the children under 10 years of age returned as married and widowed are between that age and the 5th year. If this be conceded, the figures for the period 5 to 9 may be accepted as including all the married and widowed under 10 years old, and may be used to form the basis of the calculation in the following abstract :—

Statement showing, for the children from five to nine years of age, the proportion borne by the married and widowed to every 100 children of that age.

RELIGIONS.	MALES.		FEMALES.	
	Married.	Widowed.	Married.	Widowed.
Hindus	10·31	·29	27·12	1·14
Mahomedans	2·26	·06	16·03	·70
Christians	1·40	·02	2·14	·17
Buddhists	·83	·04	2·96	·18
Aboriginals	2 27	·04	4·44	·26
All religions	7·32	·20	22·56	·96

It is impossible to place in a clearer light than this table does the great prevalence of infantile betrothals, especially those of girls among the two great classes of which the population of Bengal is mainly composed. The figures for all religions include those for Christians and Buddhists, whose children notoriously marry at a less early age; yet the foregoing table shows that in the whole population out of every 100 boys between 5 and 10 years old more than 7 have been married, while in the same number of girls of the same age, no less than 23, or nearly one in four, have been given in marriage. Surprising as these figures are, however, they are as nothing to those which represent the conjugal condition of Hindu children of this age, for among that people more than 10 boys in every 100 between 5 and 10 years old are bridegrooms, while of the girls 28 in 100, or more than 1 in 4 are wives or widows at an age when, if they were in Europe, they would be in the nursery or the infant school.

4. Then, again, the figures given in the margin, which represent the number of the married in every 100 persons between 10 and 15 years of age in each religion, show that there is much greater delay even among the Mahomedans in giving their sons in marriage than among us Hindus, and that, whereas only about 15, 23 and 26 per cent. of the females among the Christians, Buddhists, and aboriginals between 10 to 15 years of age are married, as many as 66·59 per cent. of our females of that age are married.

	Males.	Females.
Hindus	23·35	66·59
Mahomedans	9·90	68·59
Christians	4·19	14·87
Buddhists	3·16	23·03
Aboriginals	9·55	26·12
All religions	18·50	65·74

From this it appears that almost all the females are married under 15; those remaining unmarried above that age, being, according to Mr. Bourdillon's opinion, largely composed of prostitutes, are left out of my calculation.

5. The figures, however, show that there has been some progress on the male side.

But alongside of this progress a pernicious custom has grown up in society, which extorts from the parents of the brides an enormous amount of dowry. This money-value of the bridegroom increases with the degree to which he has advanced in education.

As the prejudice of the people forces the marriage of the girls at an early age, this pernicious custom, apart from the fact that it impoverishes many on account of their daughters, also induces many to marry their sons at an early age to obtain the dowry.

It must, however, be admitted, I think, that this custom is not an unmixed evil, as it forces many to keep their daughters unmarried till a later age.

6. Some of my countrymen are for the suppression of the custom of taking money for betrothals by legislation, but I do not see how the State can interfere in such a matter.

7. In many European countries, however, people are forced by legislation to educate their children up to a certain age, and their young men are compelled to serve in the army for a certain number of years.

The Government is the guardian of the people, and if it believes that regulations binding people to educate their children and prohibiting marriage up to a certain age would be beneficial to the interest of the people, as no doubt they would, I see no reason why the Government, which has done so much for the intellectual, moral and political advancements of the people, should hesitate to pass such regulations, when it is unquestionable that those regulations would be for the good of the people and not inconsistent with the Institutes of Manu, upon which the special customs of Hindu society are based.

The objections urged by some of my countrymen that this is a question affecting the religious prejudices of the people, and should therefore not be interfered with by the State, seem to me wide of the point. The question is not whether it is a religious ceremony or a social usage—though it is undoubtedly more of the latter than the former—but is the custom an outrage on humanity? Is it productive of great evils in the community? Is it, in short, contrary to sound reason and morality? If so, the Government should be true to its pledge as parent and protector of society and fall back on the wise and statesmanlike minute of the Marquis of Wellesley—"that it is one of the fundamental maxims of the British Government to consult the opinions, customs, and prejudices of the Natives, but only when they are consistent with the principles of humanity, morality and reason."

The objection on the score of religion would probably never be heard of if our Government were a Hindu Government.

CHAPTER II.

Enforced Widowhood.

8. That remarriage of widows has the sanction of our religion, that it was in force in our society in ancient times, and that it should be re-introduced in the present age for the very purpose of preventing the sufferings of widow and checking unchastity and crimes of abortion, &c., have all been clearly proved by quotations from our "Shastras" by Pundit Iswar Chundra Vidyasagar, than whom I know of none more competent to speak on the subject.

9. Two objections are made by some of my educated countrymen to the introduction of remarriage of widows, namely, first, the marriage of widows will, in the present numerical relation of the sexes, prevent the possible marriage of many maidens, who under the present state of things would be married, unless polygamy be introduced; and second, if the marriage of widows be introduced, the population will increase and encroach upon the food-supply of this already impoverished country, inducing famine and its attendant evils.

10. In former times, when caste distinction in their present form were unknown, polyandry and widow marriage were in force.

In the middle ages, however, we find the very opposite state of things: the system of polygamy (sometimes as many as 100 wives were married by one man) was in force, and remarriage of widows was stopped.

	Males.	Females.
Single	39,738,477	25,076,102
Married	40,351,930	40,486,641
Widowed	4,405,808	16,117,135
Total .	84,496,215	81,679,878
Unspecified . . .	11,513,012	10,248,345
GRAND TOTAL .	96,009,227	91,928,223

We are now living in the third age, and we find from the census figures of 1881 that, of the total number of Hindus in all India (*viz.*, 187, 937, 450), 96,009,227 were males and 91,928,223 were females, as shown in detail in the margin; and the percentages of the males and females of the Hindus at the different ages from 1 to 60 years are as follows:—

Ages.	Hindus. Males.	Hindus. Females.
0 to 9	26·77	27·29
10 „ 14	12·20	10·11
15 „ 19	8·21	7·69
20 „ 24	8·14	9·12
25 „ 29	9·12	9·36
30 „ 34	8·98	8·96
35 „ 39	5·92	5·38
40 „ 44	6·51	6·53
45 „ 49	3·47	3·25
50 „ 54	4·40	4·73
55 „ 59	1·63	1·61
60 and over	4·65	5·97
TOTAL .	100·00	100·00

It will be seen from the figures that the total of single and widowed males, *viz.*, 44,144,285, exceeds the total of single and widowed females, *viz.*, 41,193,237, by 2,941,048 and that the proportions of males from 10 to 14 and 15 to 19 years, which are, generally speaking, the two principal ages of marriage, are much greater than those of females of those ages; so the objection that the introduction of remarriage of widows may necessitate the introduction (or increase?) of polygamy falls to the ground.

11. I annex below figures showing the percentages of population at the different ages from 1 to 60 years in Italy and England.

AGES.	ITALY.		ENGLAND.	
	Males.	Females.	Males.	Females.
0 to 4	Both sexes 13·82		13·90	13·22
5 „ 9	11·01	10·76	12·41	11·84
10 „ 14	10·16	9·90	11·10	10·49
15 „ 19	8·73	9·31	10·03	10·59
20 „ 24	8·63	8·82	8·80	9·12
25 „ 29	7·63	7·84	7·77	8·00
30 „ 34	7·11	7·25	6·65	6·79
35 „ 39	6·19	6·22	5·89	5·97
40 „ 44	6·14	6·34	5·33	5·45
45 „ 49	5·19	5·13	4·33	4·53
50 „ 54	5·20	5·12	3·84	4·02
55 „ 59	3·33	3·22	3·02	3·18
60 and over	8.97	8·64	6·93	7·80

I think the females in these two countries are married generally between the ages of 15 and 30 years, and we find from the figures that females of these ages in these two countries very much exceed the males of the corresponding ages, and though there is widow marriage in force, polygamy is unknown; but on the contrary, though widow marriage is not in force among us, Hindus, polygamy is still practically in force to a certain extent.

Here again we find the objection is untenable.

12. Let us take the province of Bengal, to which the opponents of remarriage of widows apparently refer.

The Hindu male and female population of Bengal, and their percentages at the different ages from 1 to 60 years, are shown in the following table :—

Ages.	Hindu males.	Hindu females.	Percentage of males.	Percentage of females.
0 to 9	22,578,544	22,874,262	28·47	28·5
10 " 14			11·15	8·9
15 " 19			7·70	7·3
20 " 24			7·37	8·3
25 " 29			8·99	9·4
30 " 39			15·16	14·5
40 " 49			10·2	10·0
50 " 59			5·9	6·4
60 and upwards			4·87	6 5
		Total	99·81	99·8

Now the present marriageable age in Bengal is generally between 10 and 20 years.

We find from the figures that the number of males from 10 to 14 years, and 15 to 19 years is greatly in excess of the females of those ages.

We, however, find that the number of females from 20 to 29 years and 50 and upwards exceeds the male population of those ages, and the total number of females exceeds the total number of males by 295,718.

The satisfactory explanation of this excess given by Mr. Bourdillon is as follows :—

In point of fact every member of the female population is given in marriage as soon as she has reached a marriageable age, and the figures representing unmarried females above the age of 15 years are really largely composed of the prostitutes, who form a separate and distinctly definite class in every district of these provinces. The total number of unmarried women in Bengal above the age of 15 is 262,664, as shown in detail in the margin, and though the total number of women who have returned themselves as prostitutes in the census returns is only 51,129, there is no doubt that this figure greatly understates the facts, the true total being probably not less than four times that number.

From 15 to 20	133,324
" 20 to 30	73,473
" 30 to 40	29,584
40 and upwards	26,283
Total	262,664

Here in Bengal we find that, if the number of prostitutes is excluded, the total number of males is almost exactly equal to that of females.

13. From the following figures it will be seen that the females of 10 to 14, and 15 to 19 in the North-Western Provinces, Punjab and in the Presidencies of Bombay and Madras greatly exceed the females :—

Ages.	North-Western Provinces, British Territory.		Madras.		Punjab, British Territory.		Bombay.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
10 to 14	12·48	10·00	13·18	11·30	12·18	10·64	12·37	10·39
15 to 19	8·06	7·20	8·74	7·97	8·88	8·56	8·00	7·64

14. From these facts it will be evident that the objection that maidens would remain unmarried if remarriage of widows were introduced is utterly fallacious.

It seeme to me, therefore, that the time has just come when we may safely introduce remarriage of widows without any fear of introducing polygamy to a greater extent than it exists in our society at present.

15. The theory of over-population and consequent famine is a question of such magnitude that it could not be refuted here without unduly lengthening this note. It may, however, be stated that the standard laid down by Malthus as to the number per square mile that can be supported in Europe does not apply to the conditions of life in India, and if it did it could be proved that the large and fertile tracts of land yet uncultivated would be amply sufficient to support any probable increase of population for thousands of years to come.

The statement that remarriage of widows would be the cause of more famines does not touch the real cause of these calamities, as although we have no widow marriage among us at present, yet we have had between 1769 and 1878, *i.e.*, in 109 years, altogether 38 severe scarcities and famines in the continent of India.

It is therefore absurd to think that the remarriage of the few widows among the high caste Hindus would increase the population to such an extent as to produce scarcity of food.

The objection is also inconsistent with the fact that "caste has no objection to the widower marrying again as often as he likes, and more women than one at a time if he so wishes." Besides "all married couples do not necessarily transgress the laws of population," and all widows would not marry if the remarriage of widows were introduced.

16. If I have been able rightly to gauge public opinion on the subject, I can safely say that the majority of the educated portion of the community agree with Pandit Isvar Chunder Vidyasagar in thinking that remarriage of widows is absolutely necessary for the well-being of society, and that it should by all means be re-introduced.

17. As already stated, it has been proved that the custom of remarriage of widows was in force in our society. It is also a fact, I believe, that the burning of widows on their husband's funeral pile was unknown in the Vedic period, and in the words of the........... Dr. Hunter..........."the verses in the Veda which the Brahmins afterwards distorted into a sanction for the practice have the very opposite meaning."

The date from which the usage of remarriage of widows was abolished, and the Scythic custom of sati introduced cannot now be traced with any degree of certainty, nor is it known why the rite of sati was introduced at all.

According to Greek writers, the custom was instituted to prevent women poisoning their husbands for their younger lovers. But this theory does not accord with the well-ascertained fact that marriage among the Aryans was brought about by the mutual choice of the bride and bridegroom.

It is, however, highly probable that the rite of sati began when the remarriage of widows was abolished, and that for the very purpose of putting an end to the existence of widows, and suppressing those crimes which would be the natural result of having too many widows in the community.

At any rate by putting an end to the existence of widows, the rite of sati, though inhuman in itself, had the effect of putting down the crimes of abortion, infanticide, and desertion of children.

18. It is said that the law in the Hindu State of Baroda punishes the enticing away of a widow for immoral purposes, and that even sexual intercourse with a widow is severely punished in those territories; but although our social customs prohibit the remarriage of widows, yet the law does not punish the enticing away of a widow for immoral purposes, if she is over 15 years of age. It seems to me that here the law is inconsistent, and not in accord with the customs of the people.

19. Since the custom of widow-burning was abolished, there has been an undoubted increase in the crimes of causing miscarriage, injuries to unborn children, exposure of infants, and concealment of births which is not shown by the criminal statistics of the country.

The crimes referred to are very great social offences, and the offenders dread very much the shame of being detected. The fear of exposure and consequent disgrace is so great, that they commit abortion or murder of their own children at the risk of being themselves imprisoned or hanged. It is clear that in such cases social opinion is even stronger than maternal affection and fear of the law; and when to this is added the complete secrecy of family life, which renders concealment easy, it will be evident that far more cases are hushed up than are reported to the police.

Whatever the number of cases may be, it is a fact that girls are married at an early age, and therefore it may be safely assumed that these crimes are almost entirely committed by, or in connection with, widows.

These crimes, then, and the large number of widows in Hindu society *are to a great extent*, in the words of Mr. Malabari, "the result of the abolition of sati by the British Government."

20. The penal provisions intended to prevent the crimes mentioned not only failed to prevent these crimes, but have also failed to produce any effect upon society in the way of introducing any social reforms.

Act XV. of 1856, it is true, was intended to "remove all legal obstacles to the remarriage of widows;" but the infinitesimally small number of such remarriages in India within the last 30 years proves unquestionably that the object of that law has not been attained.

And although the majority of the educated section of the community have long felt the necessity for re-introducing the custom of remarriage of widows, yet, owing to circumstances over which, as individuals, they had no control, they were not able to help themselves.

21. I cannot question the propriety of the abolition of the custom of sati by the British Government; but what I beg to submit is that the Government provided the people with no

means which would practically prevent the evils for which sati was in a manner a "necessary evil" in our society.

22. In every well-regulated State when certain legal enactments fail to put down crimes or abuses which they were specially intended to suppress, other means are adopted and new laws are framed to deal with those crimes effectually.

Now, if it is admitted that the present laws have failed to check the crimes referred to, and had no influence on society in the way of causing reforms in social customs, is it not incumbent on the Government to adopt some other legitimate means to attain these objects?

23. The only efficient remedy for all these evils seems to lie in the prevention of infant marriage and introduction of remarriage of widows.

I admit that the question as to how these reforms should be introduced is one of extreme delicacy, and beset with many difficulties. But at the same time I am of opinion that if reforms are to be introduced, they should be thorough, and firmly backed by Government.

CHAPTER III.

PROPOSALS.

24. I believe infant marriage is the principal cause of widowhood; and the obstacles in the way of remarriage of widows are—(1) the petty persecutions and annoyances from society, and (2) the present law, which deprives a widow who remarries of *all* right of inheritance from her deceased husband.

Whatever steps are taken to overcome these obstacles in the way of reform should meet the above conditions of society.

25. The following suggestions will indicate the kind of measures which I think may be taken to aid the solution of these most important questions.

First.—An Act might be passed making education of males compulsory up to a certain age, varying according to the social grades of the pupils, and prohibiting marriage until their education is finished; exception being made in cases in which the Municipal, District, Local or Union Board certifies that to fulfil the complete period of studentship would entail difficulties on the individuals or their family.

The Local Governments to have power to introduce the Act to districts or parts of districts where they deem it desirable, and to extend the Act to other parts of the country on the application of, say, two-thirds of the inhabitants:—For example, the Act might at first be introduced by Government into all municipalities of the first class, and afterwards gradually extended to other parts of the country in compliance with the wishes of two-thirds of the inhabitants.

Such a law would be at once consistent with the Institutes of Manu and with the principles on which the regulations of compulsory education in many other civilized countries are based, and would moreover serve two great purposes—first, preventing early marriage on the side of the males, and, second, giving a thorough education to all classes of the people which would also be on the lines of the recommendations of the Education Commission.

Such legislative measures should meet the approval of my countrymen, who are already feeling the necessity of giving their sons a thorough education.

Second.—As a necessary accompaniment to such an Act, a complete and improved system of school and zenana education for females by the State should be established.

26. I would suggest that, to meet the increased educational expenditure which such measures would entail, an education cess be levied from all classes as is done at present in European countries.

27. In order to overcome the obstacles in the way of, and to give encouragement to, remarriage of widows, legislative measures should be taken, remarriage of course being optional for the following purposes:—

First.—Protection of widows who remarry; also of their husbands, relations and friends and others who take part in the marriage ceremony, from annoyances and petty persecutions.

Second.—Granting of licenses to priests for celebration and optional registration of widow remarriages, and remuneration of the priest-registrars by fees, say, from Rs. 2 to Rs. 100, to be paid by the parties, for the celebration and optional registration of each marriage.

I have reasons to hope that this latter provision would create a source of income to many pundits and priests who are now bitterly opposed to widow marriage, and thereby make them staunch advocates of the much-needed reform.

It seems to me that Government may, without any fear of obstruction from any quarter, accept this suggestion and pass an Act authorizing the granting of licenses by District and Sub-divisional Magistrates and Munsifs to pundits and priests who may be willing to take out such licenses; and Government may also specially encourage those among them who show willingness and efficiency in carrying out the reform by giving rewards and titles.

Third.—Modification of section 2 of Act XV. of 1856, which deprives a widow who remarries *all* right of inheritance from her deceased husband.

The Act referred to was passed in 1856. Twelve years after, Sir Barnes Peacock, Kt., the then Chief Justic, and Mr. Justice Macpherson in the case of Srimati Matangini Debi *versus* Srimati Jaykally Debi, Bengal Law Reports, volume 5, page 466, ruled that "a Hindu widow in whom the property of her husband has once vested, does not forfeit by her unchastity her right to such property.

"Semble—unchastity, followed by degradation or expulsion from caste, would not be sufficient to deprive a widow of an estate which she has taken by inheritance."

Again, in 1873, in the case of Kery Kolitany *versus* Moneeram Kolita, Bengal Law Reports, volume 13, page 1, Sir Richard Couch, Kt., the then Chief Justice, in a full Bench, Justices Jackson, Phear, Macpherson, Markby, Ainslie and Pontifex concurring, held that:—"Giving all the effect they deserve to the arguments founded upon the status of women under the Hindoo law, and the peculiar character of a widow's estate, I still am of opinion that the estate, once inherited, is not forfeited simply by unchastity."

This judgment, I believe, was upheld by Her Majesty's Privy Council on appeal.

And from the judgment in the case of Umrit Koweree *versus* Kedar Nath Ghose and others, Agra Report, volume 3, page 182, it appears that, "although the Shastras impose on a Hindu widow the duty of living with her deceased husband's relatives, the duty has been regarded by the British Courts as a moral duty which they will not lend their aid to enforce, and of which the non-performance does not deprive the widow of her right to inherit."

Here it will be observed that, under the legislative enactment, "remarriage" deprives a widow of *all* right to her husband's property, but under the case-law "unchastity," or abandonment of the husband's house and relatives, does not deprive her of that right.

This is an intolerable anomaly and ought to be removed.

There are two ways to remove it, namely, by the repeal of the case-law or by the repeal of the legislative enactment.

If it is admitted that the repeal of the Full Bench Ruling is likely to disinherit many widows of their husband's property with many unpleasant results, it is evident that making section 2 of Act XV. of 1856 consistent with the ruling is the better of the two.

But I am not for an entire repeal of section 2 of the Act (XV. of 1856), because, according to the custom of our society, the estate which a widow inherits provides not only the widow herself, but also the dependents and relations living in her deceased husband's house, and supplies funds for the performance of social and religious ceremonies.

I am therefore for a *modification* of the section referred to, so as to give a right to the widow who remarries to *some* share in the property of her deceased husband for her own maintenance.

28. Since writing the above, I have read in a newspaper that the Honourable Subramanya Iyer, of Madras, suggests the appointment by Government of a Commission to "investigate the question and the law relating to widow marriage." The great objection to such a step I think is that, should any Commission be appointed, and result in no legislative action encouraging remarriage of widows, it would strike a death-blow to the little advance that has been made, and throw insurmountable obstacles in the way of all future attempts at legislation.

From Babu Peary Mohun Mookerjee, Honorary Secretary, British Indian Association, to the Under-Secretary to the Government of Bengal,—No. 10, dated Calcutta, the 23rd February 1885.

As some portions of the letter of the British Indian Association on Mr. Malabari's paper on "Infant Marriage and Enforced Widowhood" were inadvertently omitted in their letter which was forwarded to you on the 26th ultimo, I am directed by the Committee of Management of the Association to forward herewith 25 copies of the printed letter in its complete form.

From BABU PEARY MOHUN MOOKERJEE, Honorary Secretary, British Indian Association, to the Officiating Secretary to the Government of Bengal,—No. 3, dated Calcutta, the 26th January 1885.

I am directed by the Committee of Management of the British Indian Association to acknowledge the receipt of your letter No. 2640—58T.G., dated 20th October 1884, and to submit the following observations on Mr. Malabari's notes on Infant Marriage and on Enforced Widowhood.

2. The Committee are of opinion that Mr. Malabari's notes are highly sensational and exaggerated, and on the whole so vague as not to admit of fair categorical treatment. In the first note Mr. Malabari does not even condescend to explain in what sense he uses the word "infant," which forms the basis of his argument. He uses the word also in such a way as to include ill-assorted marriages. Under these circumstances the Committee do not consider it expedient to enter into any discussion as to how far the evils complained of are real and to what extent they are exaggerated; the more so, as the Committee readily admit that under certain circumstances, in some castes and certain places, considerable harm is done by the practice of early and ill-assorted marriages.

3. Admitting this much, the question that is raised by Mr. Malabari's paper resolves itself into two branches—

1st.—Whether there is any reasonable prospect of reform from educated public opinion.

2nd.—If not, whether the Government should take the matter in hand, and adopt the measures suggested by Mr. Malabari.

4. Mr. Malabari says that the influence of education is neutralized by that of caste prejudices, and that education cannot act in many instances by reason of the ignorance of the guardian of the boy or of that of the girl. This argument in substance means that education has not advanced sufficiently among the native community, and that to wait for it would be to retard improvement to an indefinite future, or make its progress very slow. Opinion must differ as to what should be looked upon as healthy progress in social matters, and how it should be accelerated; but taking a general view of things in Bengal—the province with which the Committee are most familiar—it appears to them that there has been a marked improvement within the last twenty-five years in people's ideas as to what should be the marriageable age for girls. Infant marriages, *i.e.*, marriages of girls under 5 years of age, have become exceedingly rare, and the average age of marriage for both boys and girls has risen to a marked extent, and the Committee would respectfully dissuade the Government from causing a reactionary movement by precipitancy and needless interferences.

5. It will be thus seen that enlightened popular opinion, at least so far as Bengal is concerned, has already began to assert itself. The expensiveness of marriages and the hard struggle for existence are also affecting the age of marriage of Hindu girls in the same manner, and there is every reason to believe that as years roll on and education progresses, the custom of infant marriage will die a natural death in this as well as in every other part of India.

6. Were the case otherwise, and education and general enlightment were condemned as not likely to bring on salutary changes in the civil condition of the people, still the Committee of Management of the British Indian Association would demur to the second branch of Mr. Malabari's scheme. The Committee have always maintained the principle that the interference of the State in the growth of society can never conduce to its progress. The forces that govern its development must be born within, and can never be artificially created by any external agency. Mr. Malabari in a manner admits the force of this objection when he says, "I would not propose a legal ban to be placed upon it (early marriage)." But he adds, "Indirectly I think it can aim a deadly blow at the practice itself." He accordingly recommends indirect but effectual executive action. The Committee look upon this plan with grave repugnance. Indeed, the idea of doing that indirectly and silently what would be wrong if done directly and avowedly, is, in their opinion, positively immoral. The Government is pledged to neutrality in religious and social matters; it is to continue to profess to abide by that pledge, but at the same time it is to aim, in the words of Mr. Malabari, "a deadly blow" at what the pledge requires it to let alone.

7. The attempt made to draw a line of distinction between legislation and executive action is futile. It is quite impracticable in the case of this country. As a subject race, living under a foreign Government, alien in race, religion, language, habits, manners and customs, the people of India cannot recognise any such distinction. Laws are not made here by the people through their representatives, but by those who hold the Executive Government in hand, and their orders therefore, whether passed in the Legislative or in the Executive Department, have the same relation to the people. The only difference the people

know of is that laws are passed by the ablest and most experienced officers of State, after mature deliberation, and under carefully framed checks and safeguards against haste, indiscretion, individual bias, or misconceptions, whereas executive action is summary and immediate, and subject practically to no control or check. Under these circumstances it is impossible that the people can voluntarily allow, or view with other than the greatest alarm, any proposition which has for its object the indirect executive annulment of solemn pledges of the law of the land. No nation, whether subject or otherwise, can for a moment do so.

8. The Committee of Management of the British Indian Association are well aware that in a progressing society changes of social customs are from time to time necessary But in such cases the changes are initiated by the people themselves, and the laws are changed at their desire and request, and not by an alien Government at its own will, or instigated by aliens, or persons who have seceded from the religion of those whose social customs are to be affected, and on grounds which must *ex necessitate rei* be more or less hypothetical. Mr. Malabari has entirely lost sight of this vital condition.

9. The specific measures of administrative action suggested by Mr. Malabari are—

1st.—Non-admission of married candidates at the different University Examinations.

2nd.—Heads of departments to give preference to unmarried candidates for office.

3rd.—Educational Department to prepare tracts condemning early marriage, and to insist upon their being used as text-books in Government schools.

4th.—A law requiring that the money received from the bridegroom in case of marriage between infant girls and old men to be deposited in the name of the bride for, her exclusive use.

10. The first suggestion is opposed to the character of our Universities. The primary nay the sole, business of the Universities is to ascertain "by means of examination the persons who have acquired proficiency in different branches of literature, science and art, and of rewarding them by academical degrees," and to include in that changes in the civil condition of the candidates would be entirely arbitrary and opposed to the spirit of the law. It will be, moreover, transferring summary power to corporate bodies formed of individuals of different nationalities, customs, and religion in questions which the legislature is not permitted to take up. Early marriage may be bad, but the Committee hold atheism to be infinitely worse, and they hold that no liberal University on the face of the earth would prohibit all education to atheists, and to deny examination is to prohibit all education in Colleges. As a matter of fact, the Buddhist subjects of Her Majesty the Queen-Empress are all atheists on principle, and the corrollary would be that the Government should have no school in Burma, nor permit any University examination to be held there.

11. The second suggestion is directly opposed to the specific terms of Her Majesty's gracious proclamation of 1858, for it proposes certain religious customs to be bars to office. Early marriage is founded upon religious ordinances, and as it is not open to Government to enquire how far a nation's religion is right or wrong, so no one should be disqualified for following the religion of his ancestors. To meet this difficulty, it has been urged by Mr. Malabari "that the State has a right to insist upon having the best available servant, if not the best available citizen. If so, the head of a department may prefer the unmarried candidate to the married, all other qualifications being equal," the evil of early marriage being gradual weakening of physical powers and degeneracy of the race. The Committee, in the first place, deny that it has been proved that early marriage is the sole or the most important cause of degeneracy of the native race. Climate, food, hereditary predisposition to disease, injudicious selection in marriage, and other causes of arrested growth are potent factors in the case, and it is illogical to overlook them. Now, if native society is to be reconstructed on the lines of the views propounded by Mr. Malabari, not only would it be necessary to repress by indirect State influence infant marriage, but also marriage in violation of established mental and physiological laws as inculcated in our own ancient books and recognised by modern biologists. The argument, moreover, is specious, and such as it is, it applies to specific requirements for particular purposes and becomes quite absurd when accepted as a universal axiom, and under no circumstances should be thought of in connection with the British Indian Government. Accept the argument, and the case will stand thus—Europeans, as a rule are of better physique, and therefore heads of departments should always select them in preference to Natives. Tall robust men are better in physique and hardihood than lean, lanky diminutive people, herefore tall men should be preferred to short men. Women are universally weaker in body and mind than men; therefore no women should ever be employed even as clerk in Government offices. Rice is not so nourishing as wheat; therefore wheat-eaters should always supersede rice-eaters; beef-eaters are superior to wheat-eaters, therefore they should supersede

the others. Heads of departments are almost exclusively Christians and they believe Christians follow a nobler moral code than Hindus, Parsis, and Mahomedans; therefore Christians should supersede all other sectarians. In such cases individual predilections will supersede well-established principles. The Committee of Management of the British Indian Association are convinced that the Government will never listen to such fallacies. The Committee further beg leave to submit that it is one of their functions to advocate the interests of the particular class of subjects against whom Mr. Malabari aims this second deadly blow. That any rules of the kind, if passed, will put a stop to the marriages of men cannot be easily believed, but there is not the least doubt that such a rule would deprive thousands of the people of their livelihood. How in the face of such awful consequences Mr. Malabari has had the heart to offer such wrong and dangerous advice to the Government cannot well be conceived.

12. The third suggestion attaches more importance to anathematory tracts than what experience would justify. The Committee would deprecate its adoption, particularly because it would trench upon the time that is now devoted to more useful and important studies.

13. The fourth suggestion contemplates a new law, and as, according to Mr. Malabari's own principle, no law should be changed, it falls to the ground. It is scarcely necessary to observe that no law of the kind can be framed which would prove in any way effectual. However stringent may be its provisions, it will be defeated and contravened at every step.

14. These considerations in the opinion of the Committee conclusively shew the great difficulty which environs not only the question of legislation for social reform, but also the question of utilising the influence of Government officers for that purpose, and when the peculiar constitution of the present Government of India is remembered, that difficulty appears to the Committee to be perfectly insurmountable.

15. With reference to the concluding paragraph of Mr. Malabari's note on infant marriage, the Committee would beg to emphatically deny the existence in Bengal and Behar of any instance from which a conclusion like that adopted by that gentleman can be drawn. Undoubtedly there may be *monstrous* crimes committed in India as elsewhere, but if Mr. Malabari means to affirm that fictitious marriages like those alluded to by him are contracted in a sufficient number of cases, so as to take away from them the character of exceptional crimes, and invest them with the character of a baneful and criminal custom, the Committee would beg wholly to demur to the correctness of his remark.

16. Passing on to the question of widow remarriage, the Committee understand Mr. Malabari to be of opinion, that although there has been legislation authorising and recognising the remarriage of Hindu widows since 1856, the Statute has remained a dead letter, because social customs, habits, and feelings of the country have operated against it. If so, the term "enforced" is inapplicable to it, as it is calculated to produce a false impression. The freedom in regard to marriage, which Hindu widows enjoy in India, is as absolute as the law can make it, and quite as much as people have to abandon one religion for another. What Mr. Malabari really wants is not the removal of legal difficulties or physical force, but special encouragement from the State. He accordingly proposes that the Government should rule—

I. That no Hindu girl, who has lost her husband or her betrothed, if he is a minor, shall be condemned to life-long widowhood against her will.

II. That arrangements may be made, in suspected cases, to ascertain whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her.

III. That every widow, of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication), and that proper facilities shall be afforded her for the purpose, such as the gratuitous service of counsel, exemption from the stamp duty, attendance at court, and so on.

IV. That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage besides excommunicating the principals.

17. The Committee fail to perceive the consistency, propriety, or the value of these proposals. The first rule is unmeaning in the face of the Widow Remarriage Act. No widow can be condemend to life-long widowhood against her will when she has the right of exercising her will. As a minor she has not that right, and must, during her non-age, remain content with the discretion of her parents or guardians, and the law must be oppressive indeed in an eminent degree which would transfer the guardianship to strangers who desire to help her to remarry. It is difficult to conceive the amount of mischief which such a law would bring on. Can the Government reasonably and efficiently take in hand the guardianship of such minors, and insist upon the natural guardians paying for the maintenance and support of such wards?

18. The second rule drops the qualification "minor" and applies to all widows. The Government in these cases is to be the prosecutor, and to carry on inquisitorial proceedings of

a character which would prove the greatest curse to any society on which it may be brought to bear. Mr. Malabari cannot have for a moment thought of the agency through which Government is to act in such matters.

19. The first part of the third rule is redundant. Every widow has, under the present law of the land, power to complain to the civil authorities for any injury she may sustain by the illegal act of her caste-men, and nothing further can be wanted, unless the object be to force her relations and neighbours to give up their civil rights for her benefit. The second part refers to details about counsel's fees, stamp duty and so forth, regarding which the Committee do not think it necessary to make any remark. They do not quite understand what is meant by "attendance at court." If it should imply that prosecutions may be carried on by muktears without the personal examination of the plaintiff, all safeguards to false, harassing vindictive litigation will be removed.

20. The Committee have no experience of the rules followed by the Hindus of the Bombay Presidency in pronouncing sentences of excommunication, but they feel convinced that Mr. Malabari, being a Parsi by birth and profession, has no knowledge of the social rules of Bengal. Here the priests have no hand in excommunications. The leading caste-men, the heads of society, called *Dalapaties,* who represent the punchayets of Northern India and the Marhatta country, are the persons who decide such questions, and the fourth rule, if it is to be tolerated, should apply to them and not to priests. In Bengal, moreover, excommunication is limited to inviting and accepting invitations from persons put out of caste, and it is difficult to conceive how the Government is to deprive private individuals of their unquestioned civil right to select their own guests or host. The laws of the land already provide for acts of oppression implied by the terms "rattening" and "boycotting," and nothing further can be done. The rule contemplates the suppression of the civil right of the large majority for the comfort and convenience of a small minority, and this is what the Committee of Management of the British Indian Association demur to.

21. The Committee readily admit that the law of the remarriage of Hindu widows has no proved so fruitful of result as could be wished by its advocates. But this is not a matter for wonder. Young girls under 13 or 14 years of age can be easily given away in marriage without consulting their wishes, because they are not in a mental condition to judge for themselves; but the case becomes different when widows of 18 years and more have to be dealt with, and who cannot but assert their will. In such cases courtship is the only means of influencing their minds, and courtship implies a change of dress, manners, habits and customs of Hindu society: in short a complete boulversement of the Hindu social fabric, which cannot readily be accomplished. Hence it is futile to expect a rapid change. The Committee, moreover, do not at all admit the truth of the horrors Mr. Malabari has painted. Without in the least wishing to discourage the remarriage of widows, they deny that the evils are so great as he imagines, and such as they are, they cannot be materially reduced by more extensive widow marriages. The total number of men willing to marry cannot be increased by any fair legislative measure; if a part of these men take widows for their wives, there will be a corresponding number of spinsters left in society, and the evils will thrive quite as much among them as they now do among widows. This is a view of the question to which the Committee would specially invite the attention of His Honour the Lieutenant-Governor.

22. Such being the case, the Committee regret they cannot accord their support to the adoption of the measures suggested by Mr. Malabari, and they firmly believe that the course which he asks Government to follow cannot but be disastrous to the cause of reform.

From A. M. Bose, Esq., M.A., Barrister-at-Law, Honorary Secretary to the Indian Association, to the Secretary to the Government of Bengal, General Department,—No. 1, dated Calcutta, the 7th January 1885.

I am directed by the Committee of the Indian Association to acknowledge the receipt of your letter No. 2640-58T—G, dated the 21st October 1884, with enclosure, and in reply to submit the following observations upon Mr. Malabari's papers on Infant Marriage and Enforced Widowhood.

While admitting fully that infant marriage and enforced widowhood are great social evils, and feeling thankful to Mr. Malabari for his earnest endeavours to remedy them, the Committee cannot help observing that, so far as the social circumstances of this part of the country are concerned, the account given of these evils by Mr. Malabari is in some respects exaggerated, and that some of the pernicious results he dwells upon have not been heard of.

The Committee think that the proper remedy for these social evils lies in the gradual and spontaneous action of society itself; and notwithstanding their earnest desire for a speedy remedy, they are unable to agree with Mr. Malabari in thinking that Government interference

in these matters would be either desirable or practicable. The institutions in question are connected with the religious sentiments of the people, and until those sentiments are changed, no interference from outside would be efficacious. The Committee, however, firmly hope that with the progress of education, and the dissemination of sound views on social matters, the evils complained of will gradually disappear. The agitation set on foot by Mr. Malabari is itself the outcome of such progress, and will not be without its effect in bringing about the desired improvement, and the Committee will rejoice to see the growth of private associations and societies working with earnestness and fervour for the removal of these social evils and the furtherance of the cause of social reform.

The Committee, after giving their best consideration, find that they can safely make one practical suggestion for discouraging infant marriage. The educational authorities can pass a rule declaring married students ineligible for senior and all lower scholarships, a senior scholarship once obtained not being liable to forfeiture by subsequent marriage. Such a rule can never be regarded as involving any undue interference in social matters; and, having regard to the age at which even senior scholarships are being, or, still more, are likely in the future to be won, no reasonable objection grounded on any practicable inconvenience can be urged against a restriction of this character. No student can be supposed to have a vested right in these scholarships, their number, amount, and the manner of awarding them resting entirely on the discretion of Government. And, in exercising this discretion, a preference may justly be given to those who, being unfettered by the ties and obligations of married life, would be in a better position to carry on their studies both while at college and after leaving it, to their own advantage and the advantage of the country. But to prevent hardship and injustice, such a rule ought to be enforced only after due and sufficient notice.

The Committee feel that should this recommendation be adopted by Government, it would give a not inconsiderable though indirect impulse to the movement for discouraging the present system of too early marriages.

From MOULVI SYED AMEER HOSSEIN, Officiating Secretary to the Central National Mahomedan Association, to the Under-Secretary to the Government of Bengal, General Department,—No. 561, dated Calcutta, the 24th November 1884.

I am directed by the Committee of the National Mahomedan Association to acknowledge the receipt of your letter No. 2640-58T—G of the 21st October 1884, forwarding Mr. Malabari's paper on "Infant Marriage" and "Enforced Widowhood" for any observations the Association may desire to make on it, and in reply beg to state as follows.

2. The paper was laid before the Committee at the last meeting. The Committee is of opinion that the evils described by Mr. Malabari do not exist among the Mahomedan community, as infant marriage is almost unknown among that community, and the remarriage of widows is allowed under the Muhammadan law, and is practised in many parts of British India.

3. Speaking, however, from the Hindu point of view, the Committee, while fully recognising the public spirit and patriotic feelings which have induced Mr. Malabari to agitate in the matter, is of opinion that in these subjects of socio-religious reforms, it would be better for the Government and its officials to abstain as much from direct or indirect interference or encouragement as possible, and to leave the solution of these problems to the growth and development of the national public opinion. The Committee is of opinion that, in spite of the great educational improvement in Bengal, there is still a large majority of orthodox Hindu gentlemen, who entertain extremely conservative views on the subjects discussed by Mr. Malabari. They are sure to view, with great disfavour, any countenance on the part of the Government authorities in the way suggested by Mr. Malabari.

From BABU CHAND MOHUN BANDYAPADYA, Secretary to the Jessore Indian Association, to the Secretary to the Government of Bengal, General Department,—dated Jessore, the 10th June 1885.

I have the honour most respectfully to inform you that I send to you, in a separate cover by to-day's post, the remarks of the Jessore Indian Association on Mr. Malabari's paper on Infant Marriage and Enforced Widowhood.

Remarks by the Jessore Indian Association on the paper of Mr. Malabari on "Infant Marriage and Enforced Widowhood."

We have read with considerable interest the paper of Mr. Malabari on "Infant Marriage and Enforced Widowhood," and have carefully considered the several suggestions put forth by

him for removal of the evils. While we most gladly accord to him our cordial thanks for his generous and philanthropic movement, we regret to differ from him both on the nature and amount of the evils, and on the adoption of the means which he has suggested for their check. His exertions, though sincere and energetic, have been, we are sorry to observe, directed on subjects in which his experience is limited, and in which his social and religious position was an obstacle to acquiring sufficient information. The result is that his descriptions of the evils are generally exaggerated, and in many respects unreal, and the remedies suggested by him for their removal unsuited and impracticable.

We shall first confine our observations to "Infant Marriage." Mr. Malabari has mercilessly attacked this institution of the Hindu community. That this institution is a social evil to a certain extent we do not deny. We hold that early marriage weakens the physical strength of a nation; it stunts its full growth and development; it affects the courage and energy of the individuals, and brings forth a race of people weak in strength and wanting in hardihood. This is but only one side of the picture: its other and the brighter side has been overlooked. Mr. Malabari has considered the institution physically only. Its moral influence he has not taken into his consideration. It is a most powerful check upon our youths against deviating in wantonness and vice. We are often told that early marriages are likely to be unhappy on account of the absence of free will and choice in the married parties, but in our opinion there is very little truth in this assertion. The Hindus are the only nation among whom the matrimonial scandals, and disgraceful breaches between the husbands and wives are rarely heard of. The absence of choice and discretion in the Hindu husbands and wives is more than compensated by the interest which their guardians take in uniting them to suitable matches. The selection by the youths eager for marriage may be influenced by several transitory considerations, while the sober judgment of their guardians is above them. Moreover the continuous association from their early years offers sufficient opportunities to the married parties to be acquainted with each others' traits of character and thoughts, and by smoothening their differences, and enhancing their reciprocity, teaches them to assimilate and live joint and peaceful lives. Then there is another important consideration which cannot be overlooked by the advocates of adult marriage, *viz.*, whether we can do away with the institution of early marriage in the existing state of the Hindu society? We hold that early marriage is a necessary incident of Hindu society as it now exists, and unless the society assumes some other shape, and undergoes complete re-organization, early marriages cannot be indiscriminately stopped. The Hindu law of Succession does not allow the daughter to inherit her paternal estate when she has her brother. She has to live entirely on the mercy of her brother for her support, and if she incurs his displeasure, her position is extremely miserable. This anxiety always broods in the mind of her father, who, therefore, considers it his prime duty to unite her to a deserving husband in his own lifetime. Thus, taking early marriage in all its phases, it does not appear to us to be productive of mere evils.

The next point is that, assuming early marriage to be full of evils, what remedy is possible and practicable for its suppression. Mr. Malabari had attached much importance upon the State interference, which he considers to be the only successful agency. We are rather inclined to leave the task of reformation to the action of time, which is the most potent and surest renovator of everything. With the steady growth of education and dissemination of public opinion, the evil will itself gradually vanish. Mr. Malabari looks despairingly upon the progress of education in India, and its reformatory influence upon the old beliefs and prejudices; and he believes that unless the Government accelerates the work of reformation by some positive interference, the wished-for object will never be achieved merely by the agency of education. We cannot share in this alarm: we are rather hopeful that education, with the wonderfully rapid progress which it has within the last few years made will shortly enlighten the minds of the people, and dispel the social maladies which still linger on. To invoke Government aid in our social and domestic concerns is a shocking idea to us, especially when the nation does not want it, and when it is not necessitated by emergencies. If the people are sunk in ignorance, raise them up by the light of education; if they don't understand their wants, teach them what they are, and how they can be satisfied.

We shall conclude the subject of Infant Marriage by a few remarks on the suggestions which Mr. Malabari has made for the suppression of the evil. One of his suggestions is that the Educational authorities may rule that no married student shall be eligible to go up for University examinations. This is a very hard rule, and we see no necessity for it. It is rather punishing the child for indiscretion of his parents. A boy taking a wife in his minority, does but passively comply with the wishes of his guardians, which he has not the power nor means to oppose. This rule will also have the effect of discouraging

the spread of education, as it will disqualify a considerable number of youths to receive liberal education in our Universities. The road to education should not be shut against any who has the inclination to follow it.

Another suggestion proposed by Mr. Malabari is that the Heads of Departments should prefer the unmarried candidates to the married ones. This suggestion is simply absurd. If the bachelors, as a rule, make better officers than the married ones, the State has, no doubt, the right to insist upon every candidate being a bachelor. But what peculiar elements lie hidden in a bachelor life to turn it more useful than a married life? Marriage is rather, in our opinion, an incentive to action; the thought of supporting a family enhances the responsibility and stimulates industry. A bachelor has nothing to care for besides his own comfort and happiness, which is but a very poor consideration for a social being.

The other suggestions are very fair, and we think the Government can safely adopt them. The Educational authorities may include some chapters in the standard books discussing the merits and demerits of infant marriage; the officers may evince personal interest in the matter, and by their sympathetic co-operation with the educated youths, and the newly organized associations, they can render more service than any number of coercive laws. No reformation ought to be thrust upon the people. Its operation should be mild and imperceptible. If the people come to understand that some measures are forced upon them which they do not want, whatever may be the utility of these measures, they try to oppose them with double re-action. So the safest way to introduce a social reformation, and to make it a success, is to educate the people, and to make them susceptible for it.

Enforced Widowhood.

As in the case of Infant Marriage, the institution of "Enforced Widowhood" has been severely dealt with by Mr. Malabari. He has described this institution in a manner which no impartial observer of the Hindu society can approve. He has betrayed an undue fervour for his subject, and, to enhance its importance, he has overcoloured it with frequent exaggerations and occasional unrealities. His paper does not mark him as a sincere reformer, but points him to be a biassed partizan, blindly advocating his own cause without proper regard to justice and truth.

He designates his subject as "Enforced Widowhood," which, in our opinion, seems to be a misnomer. There is no such thing now in the Hindu society as enforced widowhood. The life-long widowhood of the Hindu widows is not the result of social oppression nor of the tyrannizing influence of the caste system. We do not say that the caste system has totally lost its governing influence. To a certain extent it still retains that influence, but its vigour has been much relaxed over the minds of the educated class. The instances are very few when the simple fear of losing one's caste acts upon his determination and incapacitates him in the free exercise of his beliefs and sentiments. The educated youths are now every day doing acts which the orthodox members view with horror; yet they are permitted to fare on in the society as if they have done nothing in contravention to the Shastras. The reason why our widows prefer life-long widowhood, lies deep in the inmost recesses of their hearts in their peculiar notions of chastity. They disdain the idea of taking a second husband upon the death of the first, which they cannot reconcile with the peculiar sentiments of chastity and honour they entertain. They believe that their connection with their husbands is of moral and spiritual nature, not terminating in this world alone, that by adopting perpetual widowhood they merely pay their tribute of love and respect to their deceased lords.

Mr. Malabari suggests some protective measures which he desires the Government to adopt for the suppression of the enforced widowhood. As we have observed in the case of infant marriage, the taste of reformation in social and domestic matters should be left entirely to the people. Unless the custom permits the commission of some heinous crimes, such as suttee and infanticide, revolting to the sense of morality and decency, the interposition by the Government for its suppression is not a desirable policy.

Mr. Malabari's first suggestion is a superfluity. It requires no express declaration on the part of Government that a human being possesses the freedom of action. The general principles of jurisprudence teach us that we cannot legally invade the rights of others unless those rights come in conflict with our own. Before Act XV. of 1856 came into operation the remarried Hindu widows had been under some legal disabilities, and their legal status had been precarious. But since the passing of that Act, their legal disabilities have been removed, and they are allowed to enjoy all those rights which are possessed by their sisters. It has declared the legality of their marriages, and the legitimacy of their offspring: so the State has done what it can reasonably do in behalf of the remarried widows. Mr. Malabari does not feel satisfied

with the Act; he wants more. But he does not clearly state what further measures he demands. In our opinion the Government can do nothing positive in favour of the remarried widows besides what it has already done without curtailing the rights and liberties of others. Then there remains the question whether widow marriages ought to be encouraged by the Government? We do not take the remarriage of widows to be indicative of moral excellence or of any other virtue, so as to deserve the esteemed approbation of the public. It rather betrays the moral weakness of the remarried widow. A widow sunk in the abyss of her unfathomable miseries, unmoved by the luxuries and temptations of the world, voluntarily adopting a life of seclusion and mortification for her deceased lord, is an ideal of moral sublimity and divine purity. We are not enemies to the remarriage of widows, nor do we say that every widow should live in perpetual widowhood against her will. Those widows who have not the firmness and determination to devote their bodies and souls for their deceased husbands, and who lack in courage and strength to withstand the temptations of luxury and pleasures, should no doubt be allowed to act in the manner they choose, and we have no right to oppose them in the exercise of their freedom. But we cannot consistently place them on the same moral elevation with the widows who refrain from such weakness. To preach such equality, and to hold the remarriage of widows as a meritorious thing deserving encouragement for its spread, is in our opinion, simply teaching and disseminating sentiments of immorality. So in our opinion the State should refrain from taking any further steps for its spread.

The second suggestion looks very fair at the first sight, but a careful consideration will show that its results would be serious. The only arrangements which can be made for ascertaining whether a widow lives in perpetual widowhood voluntarily or against her will, is to reserve a body of officers for that purpose invested with the power of entering any house, and interrogating any person. Mr. Malabari did not perceive that such an arrangement would be a standing menace to society. The powers entrusted to these officers are likely to be frequently misused, and the sacredness of the Hindu zenana will remain in constant apprehension of being violated. There is no knowing what mischiefs these officers may not commit to a family to satisfy their personal grudge.

The third suggestion is not important and contains nothing new. Every widow enjoys the privilege of complaining of her grievances to the proper authority, as every other individual does. The only question of some importance is whether the widows should be afforded the facilities mentioned by Mr. Malabari. We hold that those facilities can be afforded to them if, in the opinion of the Court, they are really persecuted.

The fourth suggestion is an important one, and we cannot pass it by without some comments. The days of priestly influence are gone, and the priests have very little control over the actions of society. If any one is found to be excommunicated from society, it is by the united opinion of the aggregates forming the society, and not by the single voice of the priest. If anybody is to be held responsible for excommunicating a social miscreant, it is not the priest but the whole society. Now, supposing that the priest exercises certain control in social matters, would it be proper to punish him for his honest beliefs? A priest may believe that those who abate the remarriage of a widow are fallen sinners in the eyes of the Shastras, and to eat and drink with them would be impious. To hold him responsible for this belief would be an act of religious persecution. He has as much right to maintain his religious sentiments unassailable, as the friends and relations of the remarried widows have to act in the way they like. If the rights of one class of the community are to be held sacred, the rights of other classes ought not to be disregarded. To protect the rights of the widows and their relations at the sacrifice of the rights of other individuals of the community, is a contradiction which we are at a loss to account for.

We have now finished our observations on Mr. Malabari's paper. We regret to submit that the pressure of other important business compelled us to make unusual delay in sending them.

From Babu Barada Prosad Bagchi, Secretary to the Moorshedabad Association, to the Secretary to the Government of Bengal, Judicial Department,—dated Berhampore, the 6th April 1885.

With reference to your letter No. 2644T.—G. regarding "Infant Marriage and Enforced Widowhood in India," I have been directed by the Moorshedabad Association to submit as follows.

2. Marriage is entirely a religious institution with the Hindus of this country, and as such should not and cannot be regulated by any legislative interference. If infant marriage is a social evil, the remedy for it can be only found in the progress of the people with the increase of education.

3. As regards enforced widowhood, this Association begs to submit that Government has already legalized widow marriage by Act XV. of 1856. Any further interference on the part of Government in a matter like this will be considered by the Hindu portion of Her Majesty's subjects as a direct violation of the pledge given by Her Gracious Majesty, by which she was graciously pleased to declare that a policy of neutrality should be observed in all matters connected with the religion of Her Majesty's subjects in this country. No legislative enactment can have the power to root out the strong religious feeling which induces the Hindu widow to live in life-long widowhood, and will, on the contrary, be productive of serious social and moral evils. When the Hindu people come to feel the absolute necessity of widow marriage they will themselve see the wisdom of introducing it more generally, and recognizing it as a social institution.

From BABU SAJANI KANT CHATTERJEE, Honorary Secretary, Burdwan Association, to the Offg. Under-Secretary to the Government of Bengal, General Department,—dated Burdwan, the 14th December 1884.

With reference to your printed circular letter, bearing date the 21st October 1884, forwarding to the Burdwan Association a copy of Mr. Malabari's note on "Infant Marriage" and "Enforced Widowhood," and inviting from them an expression of opinion with regard to it, I have the honour most respectfully to state that the Association strongly deprecate any measures, legislative or executive, direct or indirect, being adopted by Government in regard to either of those two questions. The effects of "early marriage" and "enforced widowhood" upon the Hindu society, so far at least as Burdwan and many other districts of Lower Bengal are concerned, are not so serious or urgent as to require or justify Government departing from its general policy of non-interference with social matters, except under circumstances of the utmost gravity and the greatest importance.

From BABU DWARKA NATH CHATTERJEE, Honorary Secretary, Utterparah People's Association, to the Under-Secretary to the Government of Bengal, General Department,—No. 5, dated Utterparah, the 23rd January 1885.

I am desired by the Committee of the Utterparah People's Association to acknowledge the receipt of your letter No. 2640-58T.—G., dated 21st October last, inviting an expression of the views of the Association upon an accompanying copy of a paper written by Mr. B. M. Malabari of Bombay, regarding the two most important social questions—"Infant marriage" and "Enforced widowhood in India," and in reply thereto to submit the following observations.

Before laying down their views, the Committee beg to express the gratitude of the Association to His Honour the Lieutenant-Governor for the interest he has taken in consulting their opinion on the present occasion, and on others, upon subjects of great importance.

In the two notes by Mr. Malabari on infant marriage and enforced widowhood, the object proposed is the mitigation of the evils caused by both the institutions "without calling in the aid of direct legislation, and without offending the susceptibilities of the orthodox." The point to be considered is whether Mr. Malabari has successfully solved the problem he has undertaken to solve. Mr. Malabari's arguments appear for the most part to be untenable, and the major part of the practical suggestions he makes appear to the Committee to be such as no wise and enlightened Government could possibly adopt.

To take up, first, the question of infant marriage. Mr. Malabari commences by pronouncing infant marriage to be a more serious evil than infanticide, which has been put down by the State, and the necessary implication is that the State is much more bound to put down infant marriage. His reason for such a conclusion is that infanticide is but one short struggle, while infant marriage, if ill-assorted, entails life-long misery. Now, infanticide is an evil of so shocking a character that the general moral sense of the ruling as well as the subject race has practically condemned it, while infant marriage has been allowed to live on. This is a practical refutation of Mr. Malabari's argument. Many marriages, again, must be ill-assorted where the parties have no choice in the matter, whether the marriages be contracted at an early or in mature age. In India, not only have the parties no choice in the matter, but their guardians have but a limited choice; for caste and sub-caste, as Mr. Malabari himself states, greatly narrow the field of choice. The argument, then, as regards ill-assorted infant marriages falls to the ground. The other evil consequences of infant marriage enumerated by Mr. Malabari, such as breakdown of health, physical degeneracy of offspring, increase of widowhood, and over-population with its concomitant of increased poverty, are potent evils indeed; but the question is, can the State legitimately mitigate these evils by interfering in the way proposed by Mr. Malabari?

Mr. Malabari admits that those who hold that such matters should be left to be regulated by the gradual progress of opinion among the people are theoretically right. He would never-

theless *have* a social revolution brought about by other forces *than* the *force* of opinion, and this apparently for the reason that the growth of opinion is a very slow affair. So, in preference to the obvious remedy, the extension of education among the people, Mr. Malabari proposes pains and penalties as an instrument of social advancement. He seems, however, not to recognise the law that all sound social growth must be a process of evolution, and not one of revolution. Even a revolution, to be successful, must have strong social forces to sustain it. Mr. Malabari totally misapprehends the social forces that sustain the institution of infant marriage. "The higher classes of Hindus," says he, "the more educated amongst them, feel the necessity of discountenancing child-marriage, and most of these would undoubtedly act up to their convictions if they only could. But caste is too powerful even for men in that position." Why is this bugbear of caste too powerful? The fact is the educated members of a caste are but a small fraction of the entire body, and on Mr. Malabari's own admission, they form not the accepted leaders of the caste or of the people at large. Under the circumstances, it is nothing unnatural that the weak minority should have to conform to the ways of the strong majority; and the only legitimate course for the minority would be to gradually add to their number, so as ultimately to become the majority themselves. In Bengal, educated opinion has gradually been asserting itself. The average minimum age of marriage has risen sensibly within the last 20 or 25 years A slow process like this would not satisfy, of course, seekers of hasty reform like Mr. Malabari.

Mr. Malabari makes light of the religious aspect of the question. As a Parsee he cannot be expected to have any very deep insight into the religious feelings of the Hindus; but then he should be less authoritative and more modest in his assertions about such feelings. His assertion that "no Shastra enforces marriage proper on a girl under 12 years of age" is based on a very scanty knowledge of the Shastras, cannot better be proved than by the quotation of the following lines from the Smritis :—

"अष्टवर्षा भवेद्गौरी नववर्षातु रोहिणी।
दशमे कन्यका प्रोक्ता अत ऊर्द्ध रजस्वला ॥
तस्मात् सम्वत्सरे प्राप्ते दशमे कन्यका बुधैः।
प्रदातव्या प्रयत्ने न दोषः कालदोषतः ॥" उद्वाहतत्त्व।

A girl, 8 years old, is *Gauri*, when aged 9 is *Rohini*, and in the 10th year is called *Kanyá*; a girl above that age is in the state of menstruating. Therefore the wise should marry their daughters in their *tenth* year, &c.

Angira's udbahatattwa. Every Hindu father would consider it a sin not to marry his daughter before she begins to menstruate, the well-known lines of Parasara being always in his memory :—

माता चैव पिता चैव ज्येष्टो भ्राता तथैवच।
त्रयस्ते नरके यान्ति दृष्ट्वा कन्यां रजस्वलाम् ॥

The parents and the elder brother, all continue in hell, seeing their maiden daughter (or sister) in her menses.

It may therefore be assumed that any scheme or marriage reform that would not do away with this practice of marrying before menstruation must be a very imperfect reform. If girls are married early, young men must be married early too, for a wide disparity of age between the husband and the wife must have to be avoided.

Mr. Malabari contends that, as infant marriage causes over-population and consequent social disturbance, the State should do something to check the practice. Direct interference of the State being out of the question, Mr. Malabari calls for its indirect intervention, and he makes a number of suggestions in respect of such indirect intervention, two of which the Committee consider to be legitimate, *viz.*:—

I.—That there may be a voluntary association of graduates and others who are to pledge themselves not to marry under a certain age, and not to marry girls under a certain age.

II.—That the Educational Department may prescribe chapters in school-books describing the evils arising from early marriage.

With regard to the first suggestion, it may be observed that the State need not take any steps towards setting up such an association.

III.—The State may offer indirect inducements to students remaining unmarried up to a certain age.

An award of special scholarships to such students may serve the purpose.

The illegitimate suggestions are as follow :—

I.—That the Educational authorities may rule that some five years hence no married students should be eligible for University examinations. Other departments of the State, he adds, might also devise similar means to discourage the practice of early marriage.

II.—That other qualifications being the same, the unmarried candidate for any appointment under the Government may be preferred to the married.

III.—That in the case of a father marrying his daughter to an old man for a money consideration, the State may rule that the money should go to the girl and not to the seller.

The principle involved in the first of the above suggestions is quite objectionable on the ground of its inequitableness. So long as the great majority of fathers in the country are for getting their children married early, the difficulty of obtaining suitable matches being an inducement thereto, it would be a most oppressive rule to exclude married students from University examinations, and if any such rule were proposed, the opposition to it would be all but universal. Mr. Garrett's proposal for the exclusion of married lads from even the Entrance Examination of the Calcutta University found no acceptance with the University authorities. What means similar to exclusion from University examinations other departments of the State (by the way the Universities which alone can rule in such matters are not departments of the State) could devise, it is not easy to see. What is quite certain, however, is that whatever means could be devised would impose upon the great majority of our young men a disqualification resting upon a very inequitable basis; for, under existing Hindu social arrangements, it is not boys or young men who marry of their own will, but it is their fathers who get them married, and it cannot in any way be just that sons should suffer for their father's acts. No civilized Government at the present day can adopt a vicarious system of punishment. Disqualifications, such as Mr. Malabari proposes, may not technically be "legal bars," but they would in reality be such.

The second suggestion is as objectionable as the first, on the ground of its inequitableness. The proposal, again, is one that would be quite unworkable. Mr. Malabari admits that difficulties would attend the carrying out of the proposal, but he dismisses all thought of such difficulties with the assertion that the "advantages would outweigh every possible inconvenience." Mr. Malabari has certainly not tried to realize the principal difficulties that he makes light of. It can scarcely happen that two candidates' claims would be exactly alike with this difference only, that one of the candidates is a married man and the other is not What should be done if the married candidate happens to be the slightly better qualified candidate of the two? The benefit of the public service, and justice to the individual, would demand that the better qualified married man, though slightly better qualified, should be preferred to his unmarried rival. How could the State proceed otherwise. Mr. Malabari's proposal is liable to another objection. If adopted, it would have the inevitable effect of inducing many married candidates to falsely report themselves as unmarried, and the trouble of ascertaining the truth would be very great, to say nothing of the demoralizing effect of the rule.

As regards the third suggestion, it has to be observed that it would be simply impossible to carry it out. A rule like this can have the effect only of making the marriage transaction a secret one.

The practice of fathers or other guardians making their boy wards of from 8 to 10 marry girls of from 12 to 15 for criminal purposes of their own, is happily a practice quite unknown in this part of India.

The question of what Mr. Malabari calls "enforced widowhood" may now be considered. The expression "enforced widowhood" must *ab initio*, be objected to, in that it implies that fathers or other guardians of widows do actually compel them against their will to remain widows to the end of their lives. The fact is that current ideas of social propriety that influence the men influence also the women of the country. If the widowhood is enforced, it is enforced by public opinion. If widows of the upper caste were allowed the option of remarrying, only an insignificant proportion of them would choose to remarry. Widowhood, in so far as it is enforced upon an unwilling subject, is undoubtedly an evil and calls for remedy. The remedy has already been provided by the State in Act XV. of 1856. Anything beyond that the State cannot well attempt doing, with the exception only of giving wide publicity to the provisions of the Act.

Mr. Malabari professes to be against any "violent influence by the State, or abrupt reforms from among the people." In the arguments he uses, and the suggestions he makes, he

contradicts, however, the principle he professes. What, for instance, can be more intolerant, what more indicative of his inability to realize any other point of view besides his own, than his violent tirade against caste as the antagonistic force to the State in the matter of widow remarriage, and as the great enemy of progress generally. "The interposition of authority to a small extent," that Mr. Malabari calls for would, on the whole, be an amount of interference with the private relations of life that the English rulers of the country are by no means likely to approve. No lengthened arguments need be employed therefore to prove the untenability of his position generally.

Nothing can be juster than Mr. Malabari's estimate of the influence of the educated class as against that of the pundits and Shastras. "Our educated young men," says he, "want position. They are no match for the priestly class, who are in a better sense better educated. * * Be that as it may, it is a fact that the mass of the people look up to the pundits and Shastras as their guides." In utter forgetfulness of this, however, Mr. Malabari would seek to impose the views of the few who have received Western education upon the entire orthodox community. His suggestion, however, for the establishment of a national association for social reform is a sound proposal, and the means proposed to be employed by such an association with its branches are also unexceptionable. It is only by means like these that solid, permanent reforms could be effected.

From Babu Kedareswar Acharya, Secretary to the Rajshahye Association, to the Secretary to the Government of Bengal, General Department,—dated Rajshahye, the 25th February 1885.

With reference to your letter No. 2647T.—G., dated the 21st October 1884, desiring this Association to express its views on Mr. Behramji M. Malabari's notes on infant marriage and enforced widowhood, I am directed by the Committee of the Association to state, for the information of His Honour the Lieutenant-Governor, that the Committee consider Government interference in such matter undesirable. In their opinion such reforms should be left to the influence of the change western education and general enlightenment are effecting in the minds of the people of this country, the social reformer's duty being to educate public opinion on the subjects with a view to bringing about a general adoption of the reforms sooner than if left entirely to the slow operation of time. Mr. Malabari allows the soundness of this doctrine of educating public opinion and then setting it to operate against the evils, but he considers such a means of reform ineffectual in a country where only a small portion of the population has received an elementary education after the course of many years. The Committee, however, are of opinion that when the higher classes of Hindus, the majority of whom are educated, have generally adopted the reforms, their example will spread amongst the classes below.

To induce University students to form themselves into an Association and take a pledge not to marry under a certain age, is quite within the sphere of the social reformer, and would be one of the various steps he may take to shorten the distance of the future general adoption of the reform. But to exclude married students from University Examinations would be an interference with individual liberty of action under special circumstances, which, in itself, is productive of undesirable consequences. When of two candidates for an appointment who are equally qualified, one happens to be a bachelor, the circumstance may furnish the head of the department something to determine his choice by, and he may harmlessly take advantage of it to show his disapproval of early marriage. But to make marriage a bar to admission to the public service is liable to serious objections. Moreover, a difficulty arises from the necessity of ascertaining in every such case that the married candidate entered into matrimonial relations at an improperly early age to deserve the disfavour.

It is desirable that the practice of selling girls under the name of marriage to the highest bidder, irrespective of all considerations of suitableness of the match, should be put a stop to by Government. But that is a question that has as much to do with infant marriage as with marriage at a maturer age of the girl, when also she is allowed to exercise no choice of her own.

When Mr. Malabari mentions, amongst the evils of early marriage, the union of a girl of 12 to 15 with a boy of 8 to 10 brought about by the widower father or elder brother of the boy for purposes of his own, he is only led by his too great earnestness in the cause of the reforms he advocates, to represent single instances of human frailties, occurring probably in some barbarous section of the people, as institutions belonging to the nation at large. The Committee never heard of any such practice prevailing in any part of the country until they read Mr. Malabari's notes.

The Committee are at one with Mr. Malabari in thinking that though the widow who would live a life of "sanctified sorrow," the guardian angel of the family she lives in, and a

saintly being working for others' happiness, should continue to enjoy the esteem and admiration of the society, those who, bereft of their husbands, find it difficult to live a life of purity should be allowed to remarry. But here, also, Mr. Malabari commits the mistake of overcharging his picture of the evils, so that the calm and cautious amongst his educated countrymen are naturally disinclined to join him in the cause. It is true that sometimes, where a widow daughter or sister has erred and is in trouble, the father or the brother, to cover her shame and the social disgrace to which the family is in the danger of being exposed, arranges her temporary removal to a distant place. But to speak of this as a regular system of freemasonry, maintained for the purpose, is a distortion of the truth which appears to the Committee surprising in a man of Mr. Malabari's education and patriotism.

The State has done its duty by legalising widow marriage and the ordinary law of the country affords the remarrying widow protection from persecution beyond excommunication by the Hindu society. The relations and connections of widows contracting second marriage also are not ordinarily put to any trouble, if, willing to continue within the pale of the Hindu society, they only refuse to dine with the offending parties and to allow them to take part in any social or religious ceremony at their houses. The Committee do not see what further protection Government can provide by legislation. They do not also think it wise to disturb the happiness of the Hindu home by putting before the widow a temptation—for such will be the effect of some of Mr. Malabari's recommendations to Government if carried out in practice—to desert her paternal roof where her position is not one of special disadvantage to her, to seek to be happy with a new partner in life.

From the Secretary to the People's Association, Bogra, to the Under-Secretary to the Government of Bengal, General Department,—No. 2, dated Bogra, the 7th March 1885.

I am requested by a sub-committee of the Bogra People's Association to forward herewith an expression of the views of the Association on Infant Marriage and Enforced Widowhood questions raised by Mr. B. M. Malabari of Bombay.

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1. The two great social evils that Mr. B. M. Malabari has referred to in his most able letter are undoubtedly disastrous in their effects upon our society; so before this Association ventures to give its opinion on the desirability of Government interference in these subjects it expresses its heartfelt gratitude to Mr. Malabari for having drawn the attention of Government and people to these subjects.

2. The Association is perfectly conscious of the evils done by early marriage and enforced widowhood, but it does not think that any legislative interference of Government, is at all desirable in these cases. The healthy stimulus that the Government has given to the vital cords of the nation by imparting to them the blessings of English education is sufficiently powerful to work these social changes in our country. Many associations and public bodies, and also several private individuals, have been doing everything in their power to remove these evils. And considering the opposition that the conservative portion of the community generally offers in these cases, these bodies and individuals cannot be said to have shewn any lack in their energy. Moreover, in these days of new political life among our countrymen, when the Government has thought it fit to offer the people the blessings of self-government, the Government may well leave these questions of social reformation to the good sense of the people themselves.

3. So this Association, while thanking the Government for directing its attention to these subjects of vital interest, does not see any necessity of any direct legislative interference on the part of it, but it may indirectly help the movements already set on foot in these respects by encouraging the public bodies and individuals who have taken upon themselves the arduous task of social reformation.

4. As regards the infant marriage, happily it is gradually decreasing in Bengal, and the people are becoming alive to the evils thereof. A movement has long been set on foot by the students of Calcutta to take pledges not to marry under a certain age. The healthy influence of the Brahmo Somaj and other reforming bodies is also doing a good deal to diffuse the seed of reformation in different parts of the country. These institutions, the Association hopes, will undoubtedly succeed, not in a distant future, to remove this evil from our country.

5. On the subject of widow marriage also, many earnest workers and reforming bodies, as the Brahmo Somaj, Pundit Iswar Chandra Vidyasagar, and Kumar Pramatha Bhushan Dev Roy, are working, and not without some success. This movement, in the opinion of the Asso-

ciation, though yet in its infancy, will in course of time have the desired effect. This Association does not advocate any hasty reformation for fear of reaction. Any legislative interference on the part of Government may incur the displeasure of the orthodox community, who are by no means inconsiderable in their influence and position.

From BABU PURNNA CHANDRA BANERJEA, Honorary Secretary, East Bengal Landholders' Association, Dacca, to the Officiating Under-Secretary to the Government of Bengal, General Department,—dated Dacca, the 13th December 1884.

In reply to your letter Nos. 2640-58T—G, dated Darjeeling, 21st October 1884, calling for an expression of the opinion of the Association on the proposals of Mr. B. M. Malabari of Bombay regarding "Infant Marriage" and "Enforced Widowhood," I am desired to say that these proposals do not commend themselves to the members as feasible in East Bengal, and that any attempt at interference by Government, in however mild a shape, would be resented as unnecessary and subversive of the social customs and religious convictions of the Hindus. The time has not yet arrived when, relying on the strong feeling of the majority of the community against such customs, the Government could safely interfere by law without incurring odium from the community at large.

From BABOO SRIKANTHA SEN, B.L., Honorary Secretary to the Mymensingh Association, to the Secretary to the Government of Bengal, General Department,—No. 1, dated the 17th April 1885.

With reference to your letter No. 2652-3T—G, dated the 21st October last, and subsequent reminders, inviting the opinion of the Mymensingh Association on Mr. Malabari's proposals with respect to the questions of infant marriage and enforced widowhood, I have the honour to submit the following report embodying the opinion of the Association on the subjects.

The Association is quite at one with Mr. Malabari's observation that "there cannot be two opinions as to the existence of the evils and their disastrous effects, and that the question is how best to mitigate these without calling in the aid of direct legislation, and without offending the susceptibilities of the orthodox." But while agreeing with this expression of a truism by Mr. Malabari, and the feeling remarks which he has made in his very able notes, the Mymensingh Association regrets to differ from him as to the adaptability of his proposed measures to cope with the evils complained against. The reasons for this difference of opinions may be stated as follows:—

1st.—It is undesirable, in matters like these, to invoke Government interference direct or indirect, legislative or executive, unless it can be distinctly shown that society is powerless to check the *evils*, or unless the *evil* be of the nature of a *crime* or *wrong*. But no such case has been, or can be made out of the present questions.

2ndly.—That the remedies proposed will, as a matter of fact, although Mr. Malabari has in his letter expressed himself against adopting a course which may lead to such a result, greatly offend the susceptibilities of the orthodox, many of whom have in this part of the country at least, assumed a somewhat quiescent attitude in respect to these questions, and by reason of its revolutionizing tendency will, in all probability, create a strong reaction against the proposed reforms. The vehement opposition, which the apparently dormant Hindu society organized in many places in Lower Bengal, on the establishment of *Brahmo Somages* in those places, furnishes a very recent illustration of the above proposition.

3rdly.—Because many of the proposed remedies are open to very grave objections as being impracticable and unsuited to the present state of Hindu society and that they will be productive of very little effect in remedying the evils complained of.

This may especially be said, with reference to the remedies which Mr. Malabari has proposed, with regard to the question of enforced widowhood, a term which, by the way, must be considered as fallacious if the legal aspect of the question be taken into account. The first remedy suggested by Mr. Malabari, at least as it is at present worded, is quite redundant. Mr. Malabari himself appears to have realized this, as is clear from the observations which he has added to the proposal. But the Association does not see its way to the adaptation of any means by which the Government can shake off its present passive attitude in the matter, and wage an active warfare with "caste" to uphold the majesty of the "Code." The Association has, however, nothing to say against Mr. Malabari's proposal to give greater publicity in a suitable way to the existing legislation on the subject, although no such necessity exists in Bengal, where it is well known in every respectable household that a widow can now be *legally* remarried.

The second remedy proposed is inquisitorial in its nature, and is sure to create much irritation among the Hindu community. The Association does not, therefore, feel any hesitation in pronouncing its unqualified disapprobation of this proposal.

The Association does not understand what Mr. Malabari could mean by the term "Social ill-usage" over and above excommunication, which he means to put a stop to by his third proposal. Perhaps this might have reference to the "boycoting" to which a widow, her new husband, and all their relations are subjected on her remarriage. If this is what Mr. Malabari means, it is certainly an evil which the Government should be justified in putting down.

But the Association is not aware of any existing legislation under which Government can interfere in the matter, and it would therefore be necessary to resort to fresh legislation to put down an evil which, it is a matter of great satisfaction to see, is however fast losing much of its original fury in this part of the country.

The last remedy suggested by Mr. Malabari is quite impracticable, and the Association wonders how could a man of Mr. Malabari's experience seriously make a proposal which every Hindoo knows it is impossible to introduce without upsetting the whole order of society. So far as regards the remedies by which Mr. Malabari has proposed to check the evil of enforced widowhood.

With respect to the question of infant marriage, which is practically by far the more serious of the two evils which Mr. Malabari's notes deal with, his proposal may be sub-divided into two heads :—

1stly—That married men should be declared ineligible for going up to the University Examinations.

2ndly.—That a preference should be shown to unmarried men in the disposal of Government Offices.

While admitting that those are the mildest forms of remedy which can be applied towards checking the great social evil of infant marriage, and after giving them very careful attention which they deserve, the Association is unable to accord its approval to any of these proposals in their present shape. The Association is aware that a good many boys of indigent circumstances successfully carry on their study at the University by contracting matrimonial alliances with rich families, and therefore if married students are henceforth to be debarred from appearing at the University Examinations, most of such boys will have to give up their studies. Besides, many people, it is feared, will, at least for some time to come, continue to marry their sons and other male wards as ever, regardless of the educational ban which such marriages will impose. Many otherwise qualified young people will thus be debarred from acquiring a University education, simply because they were victims to a time-honoured custom of society, and many of whom were not even independent agents in a matter, which will not only be found to be a great source of social miseries, but will also deprive them of the right of acquiring an education, which would generally be equivalent to saying, of acquiring the means to earn their livelihoods. But while disagreeing with Mr. Malabari's proposal to exclude married men from all the University educations, the Association is of opinion that a fair beginning may be made in this matter by declaring married men ineligible for competing for the higher degrees of the University and by reserving the Prem Chand Rai Chand Scholarship and those attached to the Presidency College, for allotment to the successful B.A., candidates, and perhaps the first grade senior and junior scholarships also, to bachelors only.

Considered in itself, Mr. Malabari's proposal regarding the disposal of Government offices may be considered the least harmful of all his proposals, although in this unfortunate country, where every man appears to be born with a mission to marry, and leave a progeny behind, and where the joint family system is a fruitful source of poverty, it will be productive of much actual distress. But the principal objection with regard to it lies to the fact that if *at once* applied, such a rule will practically have a retrospective effect, and many families will suffer because its head has contracted a marriage, as every man of his society was doing, and who could have never dreamt of a rule which is now sought to be framed and which will suddenly take away the means of his supporting himself and his family.

In his notes, Mr. Malabari appears to take a somewhat unnecessarily gloomy view of the social outlook. He seems to doubt the efficacy of educated public opinion so far as it exists in this country, in coping with the gigantic evils of our society, and complains that very little has been done towards rooting out these evils up to date, and piteously appeals to Government to curb the mischievous powers of "caste" and the "priestcraft." Now, this Association is glad to say, and in this view it will, in all probability be supported by almost all the public associations of Bengal, that in Bengal at least the prospect is not so cheerless

as Mr. Malabari seems to think. Little though the outward progress appears to have been and although many of the great social evils, the two under consideration, for example, continue to disgrace society as of old, the root of all these social evils has, by the spread of western education and ideas, been completely sapped, and it is confidently hoped that the time-honoured fabric of caste and priestcraft, with all its attendant evils, will entirely collapse in the course of two more decades, when Mr. Malabari will see the consummation of the noble objects so dear to his heart, steadily but quietly brought about without the adoption of any such artificial rules which he proposes in his able notes.

While, however, disagreeing with all the principal recommendations of Mr. Malabari, the Mymensingh Association very cordially supports the proposals for the establishment of a National Association for social reform, with the existing societies as to branches, contained in the last paragraph of his note on enforced widowhood. Such an association is sure to become a very powerful factor in the social regeneration of the country, and will prove itself much more effective in rooting out the social evils than all the proposals which Mr. Malabari has brought forward.

From BABU DINA VANDHU SEN, Secretary to the Burrisal People's Association, to the Under-Secretary to the Government of Bengal, General Department,—dated Burrisal, the 12th January 1885.

With reference to your letter (Miscellaneous) No. 2640-58T—G, dated the 21st October 1884, I have the honour to submit the following report of the opinion of the Burrisal People's Association on Mr. Behramji M. Malabari's notes on "Infant marriage" and "Enforced widowhood" in India.

The members of the Association approve Mr. Malabari's suggestion that the Educational Department should give a few chapters in its school-books describing the evil in its various forms.

The Association do not think it would be advisable to adopt the following suggestions:—

I.—That the Educational authorities should rule that no married student should be eligible to go up for University examinations.

II.—That the head of a department should prefer the unmarried candidate to the married all other qualifications being equal.

III.—That the State should offer indirect inducements to students remaining unmarried up to a certain age.

IV.—That Government should rule that money received from a bridegroom will not belong to the parent or relation of the bride, but will be deposited in her name and for her exclusive use.

As to the fourth suggestion, the Association think that if such a rule be made, it will, to all intents and purposes, be a dead letter. It will be impossible by such a rule to put such money from the hands of the parent into the hands of the bride, and it will only serve to give rise to disputes between parents and children, and encourage malpractices.

If the other three suggestions be adopted by Government, the Association fear many young men who have been married at an early age by their parents will not be educated, and will have all their future prospects marred, although they themselves cannot at all be held accountable for their marriage.

The association from experience have reasons to hope that, with the further spread of English education, the evil will, in a few years, be wholly swept away from this country.

As to "Enforced widowhood," the Association are of opinion that sufficient provisions have already been made against it by Act XV. of 1856, and the rulings of the Hon'ble High Court.

Mr. Malabari says: "Let Government rule that no Hindu girl who has lost her husband or her betrothed, if she is a minor, shall be condemned to lifelong widowhood against her will." With reference to this suggestion the Association think that, according to the law in force at present, even now no girl can be condemned to lifelong widowhood against her will.

As to his suggestion (II.), the Association cannot understand what arrangements could be made for ascertaining whether a widow has adopted perpetual seclusion voluntarily or not.

The Association are of opinion no Government should so much interfere with purely social matters as Mr. Malabari wants them to do in his suggestions II., III., and IV.

It is hoped by the Association that Government officials should take some interest in these matters, and try, by their opinions alone, to bring about such changes in society in regard to "Infant marriage" and "Enforced widowhood" as are desired.

From Babu Durga Das Das, Secretary to the Chittagong Association, to the Secretary to the Government of Bengal, General Department,—dated Chittagong, the 27th January 1885.

I have the honour to acknowledge the receipt of your letter No. 2654T—G, dated 21st October 1884, and to say that, while the Chittagong Association admit the magnitude of the evils of infant marriage and enforced widowhood, they do not think they ought to apply for any legislative enactment. They believe that infant marriage is dying out, and that the existing law which legalises widow marriages ought to be sufficient.

From Babu Kailas Chundra Dutt, Secretary to the Tipperah People's Association, to the Under-Secretary to the Government of Bengal, General Department,—dated Comillah, the 30th January 1885.

In reference to your letter, Miscellaneous No. 2640—58T—G, I have the honour to submit the following report on the proposals made by Mr. Malabari of Bombay, on infant marriage and enforced widowhood in India.

2. A public meeting was convened here to discuss the subjects covered by Mr. Malabari's notes. The majority of the members present, though admitting the evils attendant on infant marriage and enforced widowhood, so glowingly depicted by Mr. Malabari, disapprove of all sorts of interference, either direct or indirect, on the part of Government in social matters.

The evil (criminal arrangement) complained of by Mr. Malabari in the last paragraph of his Note I. is quite unknown to this part of India, whatever may be the state of things in Southern India.

3. But the minority of the members of the said meeting are of opinion that some such indirect interference on the part of the Government is absolutely necessary. The evils are of such a magnitude and of such a lasting character that if we were merely to depend upon social progress and reform, the remedy would be too slow and inadequate.

4. But though they are at one with Mr. Malabari so far, they cannot endorse most of the proposals made by him.

Note I.—*Infant Marriage.*

5. On this head, Mr. Malabari proposes that the educational authorities might rule that no married student shall be eligible to go up for University examinations.

But this rule would be a very sweeping measure, and it is likely to be productive of more evil than good; for many parents and guardians would prefer to have their sons and wards married, whenever a suitable match would be found, and would even take the risk of exclusion from University examinations. The result would be that by the enforcement of the proposed rule the door of University education would be shut up against many. There are numerous students in our schools and colleges who are brought up by their fathers-in-law. Let the door of the University hall be open to every body.

6. A milder rule, as a tentative measure, would be more acceptable; for example, the educational authorities might rule that unmarried students only shall be eligible for *Government scholarship.*

Enforced Widowhood.

7. On this head Mr. Malabari proposes that Government may rule—

1stly.—That no Hindu girl, who has lost her husband or betrothed, shall be condemned to life-long widowhood against her will.

How is the Government to rule? It is fear of social excommunication that stands in the way of remarriage. How is the Government to rule that other members of the Hindu community should take the *outcaste* pair in their society.

2ndly.—It is proposed that arrangements may be made in suspected cases to ascertain whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her.

In Bengal, at least, there is no difficulty in ascertaining this. The real difficulty lies in the fear of social excommunication, which is indeed a very terrible thing to a Hindu widow.

3rdly.—It is proposed that facilities should be given to widows to complain to authorities of social ill-usage.

But how are the authorities to interfere?

4thly.—It is proposed to declare that the priest has no right to excommunicate the relations and connexions of the parties.

How this is to be done is not explained. Every rule, in order that it may be obeyed, must have some legal sanction attached to it. Now, what is the punishment to be awarded to those who would disobey the above rules? Thus we are confronted face to face with direct legislation, which in social matters Mr. Malabari himself deprecates.

8. One thing may now be done for the unfortunate widows of our country, and it is this that the section 2 of Act XV. of 1856, by which widows re-marrying are excluded from the property of their former husband, should be abolished.

Section 2 of Act XV. of 1856 should be abolished.

It has been lately ruled by the Privy Council that the Hindu widow, in whom property has once vested, cannot be divested of it, in consequence of her subsequent unchastity. It is very unjust and inequitable that a widow, who should betake herself to a paramour, should continue to enjoy the property of her husband, whereas a widow, who should legally remarry, should be deprived of her former inheritance.

Vide I. L. R., Cal., vol. 5, p. 776, Moniram Kolita, *vs* Keri Kolitani.

From BABU DENO NATH BANERJEE, Honourary Secretary to the Orissa People's Association, to the Under-Secretary to the Government of Bengal, General Department,—No. 3, dated Cuttack, the 14th January 1885.

I am directed by the Committee of the Orissa People's Association to acknowledge the receipt of your letter No. 2640-58T—G, of the 21st October last, forwarding a copy of Mr. B. M. Malabari's notes on "Infant marriage" and "Enforced widowhood," and to say that the Committee cordially approve of the suggestions of Mr. Malabari.

The Committee request that His Honour the Lieutenant-Governor may be pleased to rule that, in the bestowal of Government posts, preference might be given to young men who conform to Mr. Malabari's suggestions. Such a preference the Committee think will operate as a great incentive to our young men to root out these long-established evils.

From BABU HARIS CHUNDRA SARKAR, Honorary Secretary to the Balasore National Society, to the Secretary to the Government of Bengal, General Department,—No. 214, dated Balasore, the 2nd February 1885.

With reference to your Nos. 2640-58T—G, dated the 21st October 1884, on the subject of Mr. Malabari's notes on infant marriage and enforced widowhood, I am directed, by the Balasore National Society, to submit the following report.

2. The Balasore National Society asked for opinions from different quarters, and most of the persons consulted are decidedly opposed to the proposals made in the notes under review. There were several meetings of the Society to consider the matter, and hot discussions took place in some of them. The conclusions arrived at are given below.

3. Infant marriage is not much prevalent here, as it is confined to the Bengalee settlers of the place and certain classes among the Uryas—men, who in point of numbers, fall into insignificance besides those among whom it is unknown. The former strenuously oppose the reforms advocated by Mr. Malabari. They say that the evils attributed to infant marriage are the outcome of the caste system, the essence of Hinduism, and will not be removed if it be disallowed, inasmuch as the fact of marrying boys and girls when they are a little grown up will not widen the area of selection and remove moral defects, if there be any. They have no faith, they say, in the theories of Mr. Malabari, and consequently they do not believe that infant marriage is an agent of social evils among us. On the contrary, they hold that it carries something admirable in its train. But Baboo Koylash Chundra Rai Mohasay, among others, enters issue with them. He goes the length of saying that it ought to be put down anyhow we can.

4. All are unanimously of opinion that State interference is unnecessary, and no action ought to be taken by Government in the matter.

5. The question has, in the eyes of the orthodox Bengalees, a religious aspect, for they look upon it as a meritorious act to marry their daughters when they are infants, the merit varying inversely with the age of the girl. If a father succeeds in marrying an infant girl of five years of age, he is said to gain what is called *gouridan*—an amount of virtue one secures in giving away *gouri*. The Society beg to draw attention to the fact that customs, whether good or bad, cannot be made or unmade easily, and, unless they be morally pernicious, they ought not to be interfered with.

6. Cases of husbands marrying wives older than themselves are unknown in this part of Orissa, and it is believed they are confined to a very limited area.

7. The Society approve of the recommendation that the money received from the bridegroom—the price of the girl disposed of—is not to belong to the seller, the parent or relative of the victim, but to be safely deposited in her name and for her exclusive use.

8. It is agreed on all hands that the solution of the problem does not lie with the Legislature, but with the people. So long as the leaders of the society do not unite themselves

under the reform banner in an organisation of a far-seeing character, all attempts at eradicating the evil will be in vain.

9. Now, let us come to the question of enforced widowhood. At the outset it deserves mention that the Society are in receipt of two petitions, one signed by 850 persons who are supporters of widow remarriage, and the other signed by 200 persons who are the pronounced opponents of Mr. Malabari. Besides these, opinions from individuals have been received.

10. The Society beg to point out that Mr. Malabari exposes to our view the dark side of the question, its bright part being kept in the back-ground, and that persons are apt to take no notice of the good effects of enforced widowhood. If it has some bad things, it has likewise some good things connected with it. It is not an unmixed evil. It is true our widows have to lead a miserable life on this side of the grave, but most of them are, heart and soul, devoted to the religious affairs, setting good examples to others, and taking motherly care of everybody that is left to their charge. It is feared in more quarters than one that if widows be allowed to remarry, it will clear the way for many crimes and lessen the attachment of wives for husbands. A woman who will be dissatisfied with her husband will, instead of reconciling herself to her fate, try her best to get rid of her husband by any means, fair or foul. The Society mention this as a possible thing, though they believe that their women are not so degraded as to be capable of doing such a deed. A nation that has *Sabitri* and *Sita* to boast of—characters which are the wonders of the civilized world—may well afford to put up with certain evils for the sake of charming things connected with female purity and chastity.

11. "Frailty! thy name is woman," so says Shakespear. If there are failings here and there among our widows, there are also slips among our married women. Whatever shame and disgrace we come across in Hindu society are attributable to human nature.

12. The fact ought not to be lost sight of that the Hindu widow is a noble type of womanhood, scattering blessings all around, acting as a guardian angel in every house. It is seen that she has a mind of steel sheathed in velvet. She can control her feelings and desires.

13. It is true that our *Shastras* give an indirect sanction to the remarriage of widows, but they do not place it under the same category as ordinary marriage. Take the following *Sloka*:—

"যাপত্যা বা পরিত্যক্তা বিধবা বা স্বয়েচ্ছয়া।
উৎপাদয়েৎ পুনর্ভুত্বা স পৌনর্ভব উচ্যতে ॥"

i.e. the son of a woman divorced by her husband, or of a widow remarried, is said to be *Paunarbhva*.

14. In conclusion, the Society beg to state that public opinion does not declare itself in favour of Mr. Malabari, and so long as our society is not prepared for widow remarriage it should not be forced upon them.

From KUMAR PRAMATHA BHUSHANA DEVA RAYA, of Naldanga in Jessore, to the Officiating Under-Secretary to the Government of Bengal, General Department,—dated the 24th January 1885.

I have the honour to acknowledge the receipt of your letter No. 2640-58T.—G (Miscellaneous), dated the 21st October 1884, forwarding a copy of a paper on "Infant marriage" and "Enforced widowhood" by Mr. B. M. Malabari, and inviting an expression of my opinion on the subject. Mr. Malabari has since issued another note (Note II.) on these subjects. I shall consider both of them in the sequel.

2. I shall in the first place deal with Mr. Malabari's first and second notes on infant marriage.

3. So far as we can glean from the Vedas, the Mahabharat, and the Ramayan, it is evident that the marriage of infants of both sexes did not obtain during the palmy days of the Hindu Empire. Of all the female characters delineated in the great Epics, none appears to have entered into matrimonial bond before she had attained the age of discretion. The first symptom of deviation from this most healthy social practice is observed in the code of ordinances known as Manava Dharma Shastra, written by a Rishi of the Bhrigu family. This Sanhita, known as Manu Sanhita, does not countenance early marriage of males; but girls, according to this Shastra, should be married before puberty; and the father, who does not give away his daughter before that time of her age, is considered censurable. This does not appear to be a religious ordinance, the non-observance of which should interfere with the spiritual welfare of the girl or her guardians. On the other hand, it is provided that the father, failing to give away his daughter before puberty, forfeits all claim to give her away after that period, and that a daughter is free to marry without the consent of her father or guardians if she be not married within three years (some Shastras provide three months) of her age of discretion. The father being considered as only *blameable* in the event of his failing to marry his daughter before puberty, it is evident that the Hindu population at that time had become sparse, owing to pestilence, civil war, or foreign invasion, and that the Hindus had been

obliged to have recourse to early marriage for speedy multiplication of species. Later Shastras, with a view to ensure marriage of infant girls, hold out great spiritual benefit to the father who gives away his infant daughter, and contemptuously speak of him who does otherwise. But later or earlier no Shastra attaches religious blame to the party marrying after puberty.

4. Custom, however, has girdled infant marriage with a halo of sanctity, and that with regard to girls only.

5. But in the case of *Kulin* Brahmins, and those who sell their daughters, this custom does not prevail. The *Kulins*, who are obliged to marry their daughters to persons of a particular family of very limited clanship, are generally forced to keep their daughters unmarried for a considerable period after the age of puberty, and it is not an uncommon spectacle to see daughters of Kulin Brahmins remaining virgins all their lives. But notwithstanding this marked departure from the all but universal custom, the Kulins are regarded as the most respectable of Brahmins. Hence, it is quite evident that the marriage of infant girls is not regarded by the Hindus to form any part of their religious institutions, and the parties departing from the custom are not liable to social persecution.

6. Infant marriage may not lead to unhappiness, but, on the other hand, it may ensure an amount of happiness to the married couple, which the system of marriages prevalent in other civilised countries is not quite so successful in achieving. But that it leads to deterioration of the race, and physical suffering to the young wives and their children, is admitted even by the ancient Medical Science of the Hindus, the *Ayurvedas*.

7. It has been shown above that infant marriage is not a religious institution amongst the Hindus, and that departure from the "time-honoured" custom does not operate as a forfeiture to social rights, privileges, and immunities. Matters standing thus, it is to be considered whether we should court the help of the State, by legislative enactments or otherwise, to forcibly put a stop to or otherwise discountenance infant marriages.

8. As regards the male portion of the community, a marked change is now perceptible among our young men, most of whom do not enter into matrimony too early. Whether this be due to the salutary influence of English education, or any latent social factor not yet so powerful as to assert itself, the fact is patent that infant marriage, as regards the male portion of the community, is fast dying out. The society thus moving by force from within, any extraneous force thrust into it would, in my humble opinion, instead of producing any salutary effect, tend to a disruption of the normal motion adverted to above.

9. The first method of action to discourage the practice of infant marriage, suggested by Mr. Malabari in paragraph 10 of his second note, would, in my humble opinion, be an absolute and direct infringement of the time-honoured relation subsisting between the Hindus and their rulers. The rulers of the country, be they Hindus or Mahomedans, have never been known to have shut from the Hindus any avenue of public instruction or State service on the score of their following any social custom, however injurious it may be according to educated notions. And even if Mr. Malabari's suggestions were carried out, they would not have the effect of discouraging the practice of infant marriage. Candidates for matriculation or State service may not marry, and aspirers to fellowships and scholarships may remain bachelors; but I am quite at a loss to understand how these precautionary measures would affect infant marriages in the case of girls. Does Mr. Malabari mean to imply that if males be made to marry at an advanced age, females would necessarily be obliged to remain single much after puberty to make suitable matches? Mr. Malabari must be quite ignorant of the ins and outs of the Hindu society if he thought so. The "all but universal" practice is that, whatever be the age of males, the age of females, with the exception of Kulin Brahmins and dealers in marriage, is seldom allowed to exceed 12 at the time of marriage.

10. Mr. Malabari animadverts to a "practical suggestion," *viz.*, that children betrothed early may be given, on coming to years of discretion, the opportunity of ratifying the contract previously entered into without their assent." This is against the positive matrimonial laws of the Hindus, and should therefore altogether be rejected as unpractical and unpracticable.

11. I have already stated that infant marriages among the Hindu males are now fast wearing out. This, it must be admitted, is due to a considerable extent to the spread of education in the country. What now calls for our serious attention is the marriage of girls before puberty, measures for the abolition of which should be devised by the thinking and educated portion of the community. So far as I can see, it appears to me that neither religious scruple nor dread of social persecution is the motive force which induces the guardian to marry his female ward before puberty, and I have already shown that none of these barriers practically exist. It is only custom, as I have already stated, that cows down even the "educated and the enlightened," not to speak of the vast illiterate masses. Besides, amongst some Brahminical clanships, parents are obliged to betroth their girls even below the age of eight, owing to the paucity of suitable bridegrooms. Having regard to the universal custom alluded

to above, and obstacles arising from sub-divisions of caste, Government cannot adopt any measure to put down infant marriage without seriously convulsing the social fabric. More effectual spread of female education is, in my humble opinion, the only means by which this injurious social custom may be removed. I would therefore suggest that Government should set up girls' schools wherever there are schools for the education of males. Schools should also be established in large towns for training mistresses who would be well qualified to teach zenana ladies. It is by these and similar other educational measures that we can hope to dispel the ignorance and superstition of the vast myriads who form the body of the society, and thus pave the way to the time when the inequity and injuriousness of marrying little girls would be brought home to the minds of mothers and fathers. The paralysis of social organism in India is due to the fact that, whilst education has done and is doing much to elevate the minds of our men, the women portion of the community is well nigh where it was centuries back. Women wield great powers in domestic relations, and so long as their minds are not elevated by education to appreciate our refined ideas, any radical social change is the least that we can hope for.

12. The sale of girls is positively prohibited by the Hindu Shastras; but the system of sub-castes has necessitated its practice to a considerable extent. The marriage of infant girls with old men adverted to by Mr. Malabari is not very frequent. But, be it as it may, the practice of selling girls, regarded equally by the Shastras and the respectable Hindu communities as a despicable action, may very well be put a check to, by ruling, as suggested by Mr. Malabari, that the money received from the bridegroom is not to belong to the seller, the parent, but to the girl.

13. As to enforced widowhood, I may begin by saying that the sacred scriptures of Hindus ordain three courses, any one of which a Hindu widow is competent to follow according to her own inclinations. The first is remarriage; the second, leading a virtuous life for great spiritual benefits held out in after-life; and the third is what is commonly known as Satti. For reasons not quite ascertainable, remarriage of widows has become obsolete in the higher castes since many centuries; Satti has been abolished by the British Government by law, so that the only course now left to the widow is self-immolation, whether she will or not.

14. Such, in brief, is the origin of compulsory widowhood. The Hindus have long forgotten that their Shastras sanction the remarriage of widows. Even their pundits had no such idea before the venerable Pandit Iswar Chandra Vidyasagara discovered and published the ordinances *thirty years ago.*

15. The Hindu world was startled at the discovery. The mass of the people, ignorant of Sanscrit literature, would not believe what Pandit Iswar Chandra Vidyasagara published as genuine Shastra; and the Hindu mind, being conservative to a fault, revolted against the idea of remarrying widows—a practice, which they daily saw, among their neighbours, the low-class Mahomedans. The orthodox leaders of society regarded it as an innovation, and looked upon the pandits for a solution of the question.

16. In Bengal, society is led by rich men of the upper classes, the mass of the people following in their wake. The priests and the pandits watch which way the wind blows, and shape their opinions accordingly. They have no power to excommunicate or persecute anybody. The leaders of society, upon whose patronization depends the means of subsistence of the priests and the pandits, utilize their services to suit their own inclinations. The pandits readily *grant* immunity to these leaders, even if they be guilty of gross violation of Hindu social or religious ordinances. Such being the position of the pandits, they raised a hue and cry against the Venerable Vidyasagara, and sheltered under the fangs of the social leaders, set up legions of obstacles to frustrate the noble object he had in view.

17. The voice of one single man was drowned under the uproarings of hundreds of pandits, and the millions remained quite in the dark as to what the Shastras really had to say on the subject of widow-marriage.

18. After the subsidence of the first commotion, spasmodic efforts had from time to time been made, here and there, by benevolent persons to get a few widows married; but shorn of the sympathies of the people, the priests and the leaders of society, these efforts died their natural death.

19. But the aspect of things has changed during the last three or four years. Everywhere, in Madras, in Bombay, in the North-Western Provinces, in the Punjab and in Bengal, associations have been formed for introducing remarriage of widows into the Hindu society, and pamphlets, appeals, &c., are being largely distributed for the education of the popular mind. The vernacular press in Bengal have taken up the question in right earnest, and are doing their best to popularise the cause.

20. The popular mind has now been partially awakened to the importance of the reform.

Those who would, a few years before, regard it a pollution to hear the subject discussed in their presence, now read the pamphlets with earnestness, and the rigours of their prejudice have much relaxed. But the majority of the social leaders are still on the opposition, and the pandits harping upon them. The pandits, however, by their too selfish and ridiculous conduct, have lost the confidence of the people.

21. People have no faith in enforced widowhood, which is regarded by Hindu parents, especially of girls and young widows, as a misfortune, the like of which can never fall to the lot of man. But no alternative forthcoming, they put up with it, although with much inward groans. Their eyes are now being opened; they now find that there are Shastras favouring marriage of widows. It now remains for the social leaders, of course, with the pandits as their mouthpiece, to say "Let it be done," and it will be done.

22. The social leaders cannot long hold out. The amount of agitation that has been raised in Bengal, the enthusiasm with which it is received everywhere, by the young and the old; the daily increasing demand for books, pamphlets, and appeals; the distrust of people generally to the *Vyavastha* of the pandits, who have lost all power to dictate and be obeyed; the manner in which pandits are being challenged to prove their position; and the manner in which the pandits are shrinking into the mew—all this unmistakably point to a time, not far distant, when the leaders of society would either come round or give up their exalted position.

23. I have some influence over the society in which I live. Since I have taken up the widow marriage reformation during the last twelve months, I have the satisfaction to find that one-half of the oppositions first met with have now vanished. I find the people generally are not unreasonable. If you can explain to them that their Shastras fully countenance widow marriages, that the consequences of enforced widowhood are generally unfortunate, and that the young widows are made to suffer wrongs and privations for no faults of their own, the average Hindu's prejudices will thaw; he will readily enlist his sympathies on your side; but will dread action, lest his relatives, living in another Somaj, over which you have no control, cut off all matrimonial or other connections with him. Give him a Somaj, in which he can marry his daughters and sons, and the orthodox Bengali (many at any rate) will marry his widowed daughter.

24. Matters moulding themselves in this wise, the Government should do nothing that may be regarded as interference, rightly or wrongly understood. We should not be in a hurry about social reformations, which, to be genuine, must be slow and indigenous. If there be any apprehension of reaction,—although as regards Bengal no such apprehension is yet looming in the horizon,—no interposition of the State is needed to avert it; the widows' cause, as Mr. Malabari rightly states, "has enlisted the sympathy of notable men, official and non-official, European and Native." Mr. Malabari bemoans the fate of Kersendas Mulji; but one man cannot resuscitate a great nation, many a Mulji must die the death of martyrs to pave the broad way to national revival.

25. In his second note, Mr. Malabari submits the following revised suggestions:—

I. That, if possible, the widow be helped to a handsome allowance from her husband's effects, so as to make her independent of those whose interest it is in many cases to keep her a widow all her life.

II. That in the interests of widows ill-provided for, the marriage ceremony be made as inexpensive as possible, for instance, by ruling that two or three declarations before the Registrar may constitute marriage.

III. That Government may be pleased to make annual grants for a few years to a Widow Marriage Fund in aid of the movement.

IV. That special educational facilities be provided for widows, to enable them to qualify themselves as school-mistresses, midwives, medical practitioners, and so on.

26. Regarding the first suggestions, I have to state that after the death of her husband, if he had any property, and in the event of his dying childless, the widow, according to the Bengal school, inherits that property. In such a case she is quite independent of her relatives, and can remarry if she chooses; but is divested of her inheritance upon remarrying under Act XV. of 1856.

27. *Suggestion No. II.*—This is quite against the Hindu Shastras, and I regret Mr. Malabari, being a great friend of the Hindus, should propose anything so diametrically opposed to the fundamental principles of Hinduism. Marriage is not only a civil contract, but a religious sacrament with us. "Two or three declarations before the Registrar" cannot constitute Hindu marriage. The prescribed forms and sacrifices ought to be gone through, if the marriage is to be considered a Hindu marriage.

28. I perfectly agree with Mr. Malabari with regard to his *Suggestion No. III.* If the

Government contribute for a few years to a Widow Marriage Fund, the hands of reformers would be greatly strengthened, and as aided schools and dispensaries are considered by people in general as Government institutions, so the Association, to whom the fund would be granted, would be considered as enjoying the full support and patronage of the Government. This notion of the people would greatly facilitate work and advance the cause of the widows. The formation of an Association of the sort proposed by Mr. B. M. Malabari is of paramount importance, and should the Government be pleased to lend their helping hand in carrying out this proposal, the Hindu nation would be eternally grateful to our beloved Queen-Empress.

29. Mr. Malabari's *Suggestion No. IV., viz.*, to provide special educational facilities for widows, has my hearty approval.

30. The four suggestions contained in Mr. Malabari's first note appear to have been given up by him. They are really objectionable. As regards the first suggestion, Act XV. of 1856 may be translated by the Government in the vernaculars of the country and distributed broadcast in every village. Suggestion No. II. would have the effect of a tyrannical inquisition; Suggestion No. III., if adopted, would remain a dead letter; for the Hindu women are not accustomed to act independently of their guardians. Besides, widows who remain true to the mode of life prescribed for them can have no reason to complain of ill-usages. As to those who are inclined to marry, the brunt of social displeasure falls upon the heads of their fathers or guardians; for a Hinduine cannot marry without being given away by father, mother, or some other near relative; the only form of marriage prevalent in the present *Kali Yuga* being *Brahmo* marriage, in which gift of the bride is essential. As to the suggestion No. IV., it seems to be hardly in keeping with the declared policy of the Government.

From BABU MENULALL CHATTERJEE, L.L., Subordinate Judge of Beerbhoom, to the Secretary to the Government of Bengal, General Department,—No. 97, dated Soory, the 29th December 1884.

With reference to the Officiating Under-Secretary to the Government of Bengal's letter No. 850, dated 3rd current, General Department, and the enclosures therewith sent, I have the honour to submit herewith my views on the subject of infant marriage and enforced widowhood for the kind consideration of His Honour the Lieutenant-Governor.

NOTE.

Infant marriages are resorted to for fear of conventional shame, and in the present age to avoid exorbitant demands on the part of the father or other guardian of bridegrooms. A proposal to abolish such marriages ought to to be preceded by (1) a declaration that the contract of marriage is not mercenary; (2) a definition of the marriageable age of the bridegroom and bride; and (3) a substitution of a sort of settlement, aiming at a provision for the bride in case of widowhood and of the children begotten of the marriage.

As to the first. With Hindus, marriage is not only a civil contract, but a *sanskar*, or sacrament.

Of the eight forms of marriages described in Menu, Chapter III., the *Brahma* and *Asura* are prevalent, and *Gandharva* marriage sometimes takes place in the present age.

Though Kulinism is on the decline, yet few marriages in Bengal take place without imposing on the father of the bride a heavy fine for the sin of giving birth to daughters. Many a wealthy family in Bengal, which occupied once a conspicuous position in the front rank of society, and which was in fact the pride of the country, has, by the mere accident of birth of daughters, been ruined and reduced to pauperism in consequence of their expensive marriages and incidents which follow them. For instance, take the case of the *Gushthiputhes* of all classes.

The three superior forms of marriage contemplate *a gift of bride only*, and nothing more than a declaration of the Legislature that demands other than gift of bride will be illegal and treated as extortion, and will not be countenanced by a Court of Justice, and materially help in checking the evil, and be also welcome to the Hindu society.

There is room for legislation without offending the Shastras, and nothing but direct interference of the Legislature can check the evil.

In the present transitory state of society, a father of six boys, who perchance study in Entrance class, or some of whom passed the tutelage, considers that the day is not far off when by their marriage only fortune would smile on him.

There may or may not be objections to make gifts to daughters, but these gifts seldom benefit the married couple or their issue. The object for which these gifts are made is frustrated by the custom of the country as it now is, and affords loopholes to fathers

of bridegrooms for practising deception and fraud on the unfortunate father of the brides.

Experience has proved that presents of valuable goods made before the fire kindled in the right of marriage have been converted into specie at the nearest market on the next day after the return of the bride to the house of the bridegroom; and that by the time when the latter has taken, or is about to go up for, his degree, or has to complete his academical career by a professional training, he has either to borrow money, or be a dependant upon his father-in-law, if yet in well-to-do circumstances in life. It thus appears that the father or other guardian alone reaps the full benefit of these presents.

The custom engenders indolence and acts as a bait to young men to be luxurious at the expense of others.

The demands of a father or other guardian of a bridegroom are very heavy, and comprise so many items that on calculation it is found to cover nearly all the costs incurred for the boy, commencing from the separation of the umbilical cord and ending with the last pice paid to the date of his marriage. These items, or abwabs, of the marriage are politely called *respects* for the family of the father of the bridegroom. This demand increases with the age of the bride. There are cases in which great difficulties are encountered in disposing of an aged daughter or sister.

Already cases are coming to Courts for adjudication as to the legality of *pon*, or price for the promised marriage, and such like matters. The highest Court in the country is unable to put down attempts to make advantage of these contracts. It entertained doubts in decreeing a restoration of the *pon* even where the marriage broke off (*see* 10 I. L. R., Calcutta 1054). In the absence of a prohibitory law, the Judges summarily regarded the custom of the country and enforced a contract in every respect opposed to public policy. With the utmost respect for their Lordships, it is submitted that on a close examination of the Shastras the origin of the custom cannot be traced. My reasons for this conclusion humbly are, that in these days the race of Kulins, now nearly extinct, does not possess those excellent qualities (আচার, বিনয়, বিদ্যা প্রতিষ্ঠা, তীর্থদর্শন, নিষ্ঠা, বৃত্ত, তপ, দান, ritualistic purity, humility, knowledge, reputation, pilgrimage, truthfulness, wealth, meditation, charity) for which they claim the appellation to distinguish them from others. Men devoid of these excellent qualities ought not to derive any benefit from the custom. The Shastras ignore them altogether, and the custom of presents to the bridegrooms, other than the gift of the bride, is the creation of modern times. A continuation of this custom indirectly means an encouragement of the barbarous custom of the sale of boys and girls, as the case may be. The Shastras decry it in the strongest terms (*vide* Menu, Chapter III., verse 51). It cannot also claim support from an enlightened and Christian Government. The Kulinism of Bengal is about to pass into the domain of history, and for the few surviving Kulins the whole community ought not to suffer. These relics of the families of Kulins also equally complain of the inconvenience which attends the disposal of their daughters and sisters in marriage. That matters have practically come to this pass that secret contracts made with parents or other guardians standing in the peculiar relation to the party whereby upon a treaty of marriage they are to receive a compensation or security for promoting a marriage, or giving their consent to it, are passed under the guise of gifts, or *stridhan*. That these contracts are opposed to public policy and mischievous to the general bulk of society will in these days be admitted by all the members of the community, and by the jurists of civilised countries. Besides, the use of *stridhan* by the father or guardian of the bride is forbidden in the Shastras (see Menu, Chapter III., verse 52).

As to the second. According to Menu, Chapter III., verse 1, a student is to close his academical career at his 36th year, and the relative ages at which marriages are to take place is that the bridegroom will be three times older than the bride (*vide* Menu, Chapter IX., verse 94).

The old lawgiver of the Hindus considered a young man of 24 a proper match for a girl of eight years, and one of 30 for a girl of twelve.

The *Mahabharata* and *Ramayana*, which occupy very conspicuous places in the list of religious books of the Hindus, are replete with instances of unmarried girls of mature age, able to exercise their own judgments, and selecting their husbands at a *sayambara*, or assemblage of kings, potentates, warriors, and men well-known for learning, &c. These, I think, are living examples from the works of the savants of old India which would teach degenerated Hindus of the present day that a statutory prohibition of early marriage of a Hindu girl will be no encroachment upon the established religion of the country. A Hindu Marriage Act would, like the Suttee Act of Lord William Bentinck, be productive of incalculable boon to the country, which will be treasured up in the memory of all the children of the soil as precious monuments of the benign rule of Her Gracious Majesty the Empress of India and Queen of Great Britain. Considering the above circumstances, I would propose the twenty-fourth or thirtieth year to be

the proper age for marriage of a Hindu male, and twelve for the marriage of a female of that sect. The appearance of the menstrual course depends in a great measure upon the development of the constitution, which, if subjected to mental culture, might be retarded. Female education is now in its full swing in different parts of the country, and there are already some Hindu female graduates of the Calcutta University. Their good example will in all probability be followed in a short time by most of their sisters. Were the twelfth year declared as the marriageable age of females, and all marriages under that age null and void by applying the principle of (XIV. W. R., 403), the country would undoubtedly see the dawning of a better day.

As a check upon infant marriages, the Legislature might conveniently declare that a contract of marriage by guardian would be null and void unless it benefits infants personally.

The introduction of marriage settlement in writing, duly registered in cases of infant marriage where it takes place with the consent of the guardians, would be an improper move.

These settlements, as also the valuable gifts by the parents of the bride or bridegroom, might be executed on the night of marriage on plain paper before a Sub-Registrar or one of his subordinates, who may take an inventory of the articles of gift, so that the minors or their children might, on arriving at majority, know what property his or her marriage brought, and call upon their guardian to render an account.

Of course a moderate fee, say of four annas, might be levied on the night of the marriage for the appearance of the Sub-Registrar or his subordinate; an entry in the register to be kept for the purpose. This amount of the fee, perhaps, no one will grudge to pay in consideration of the heavy expenditure usually incurred.

The fee might be levied in equal moieties from the guardians of both the parties. Already ample publicity is given to marriage, and no complaint could be preferred for the visit of the Sub-Registrar or his subordinate.

As it is in contemplation to make over registration of deeds and assurances to the Postal Department, and as post offices are within an accessible distance, there could be no difficulty in procuring the attendance of a public officer to witness the marriage, and to take an inventory and enter in a register then and there, signed by the guardians of the married couple where both are infants. If approved of, the scheme might be elaborated.

Raghunandan is the only work on marriage which has tried to reconcile the conflicting notions of the marriageable age. But he was no better a person than a learned pundit of the modern school. Its opinion cannot outweigh Menu's.

If twenty-four be the marriageable age of a Hindu male, it will afford him ample opportunity not only to complete education, but to enter the world.

Fellowships at Universities at the age of thirty might be created for unmarried boys, and emoluments sufficient to move in respectable societies, as also to earn an honest livelihood, might induce deserving students to observe celibacy up to that age.

In the old Hindu College, a senior scholar was allowed Rs. 40 a month, and he who retained his scholarship for five years successively, was considered as the best scholar.

There can be no objection in reverting to the old system of encouraging knowledge, and at the same time imposing the only condition of observing celibacy up to a certain age. The cost to the State will not be much, and it is preferable to a restriction upon appearance at the Entrance Examination five years hence after notice, and a feasible plan which can be carried out without any pressure from friendly officials.

It might be said that the measure will be a direct interference with the law of marriage, but no one will grudge this interference. The country is extremely in want of it. It will not interfere with the religious aspect of marriage, even if it be viewed in that light, and will effectually remove a blot in the administration, and stifle fraud and extortion, and at the same time check over-population and improve the generation. The attempt might succeed in the same way as the barbarous *Charak* festival was put down by Sir Cecil Beadon.

I am aware that restriction as to age will operate prejudicially on indigent infants, the cost of whose education is in some cases borne by their father-in-law. But these cases are few. The hardship in their case may be avoided by an appropriate clause in the deed of settlement, which will be considered hereafter. The provision for the mental culture of infant bridegrooms, according to the means of the father-in-law, is to their benefit, and not opposed to public policy.

In declaring marriageable age of adult males, particular care should be taken to guard against heavier imposition, otherwise the market for educated bridegrooms would be dearer, owing to the obstinacy of their father or other guardian, and modesty of young men, to overrule their wish. But their modesty will disappear when they come to know that a married

life is preferable to a bachelor's, and that a wife is a necessity. They will overcome objections raised by their father or other guardian.

The definition of the marriageable age would therefore check infant marriages and the marriage settlement will deter the father or guardian from misappropriating wealth gained by the marriage. The fear of having to account for the bridal presents in case of infant marriages, and of countenancing the objections of grown-up sons or wards, will operate as a check upon exorbitant demands upon the father or guardian of the bride, and to some extent prevent infant marriage.

Marriage settlements are not innovations in the country. They are in vogue in one shape or another. These settlements, when made really for the welfare of the married couple, are indeed desirable. But, unfortunately, what is extorted from the father or other guardian of bride or bridegroom, seldom reaches the hands of those for whom it is intended. Though the Shastras reprehend this sort of appropriation, the evil has reached its climax. Vansajas would sell their all to get a girl, and in their case also the price increases with the age of the bride.

On economic grounds, over-population ought to be checked. Infant marriages produce sickly children and cause anxiety and misery to their parents. The cost of medical treatment has been enormous, but the earnings are incommensurate to the household expenses, and to other expenses on account of other family matters.

As to enforced widowhood. The statutory definition of the marriageable age at twelve for females will afford them an opportunity to receive better education than what is imparted to them. Their education for seven or eight years by attending schools will enable them to cultivate acquaintances with many of their sex, whose wise counsel by correspondence may induce them to remarry. They will be placed in a position to choose whether to remarry or continue in widowhood.

In the present state of society, widows require special protection by the State. Oftentimes the relations of their deceased husband annoy them in various ways, turn out bitter enemies and drive them to commit immoral acts. Their purse and *stridhan*, which ought to be held sacred, are robbed by means, fair or foul (see the case in the Natore family). They are objects of panegyric and adulation, so long as they have strength to attend to domestic duties and command of their wealth. They are turned out of family as beggars when the purse is emptied and their strength fails. Even maintenance, which the sisters, humanity ordains, is denied to them.

The law of Will was unknown to the Hindu system of jurisprudence. In consequence of certain sections of the Indian Succession Act having been extended to Hindu wills, and fully perceiving the troubles inflicted upon their better halves by their death, Hindu husbands are disposed to make adequate provision in the testament for their comfort and maintenance. But the Judge-made laws upon wills have created uncertainties and difficulties in the mind of many, which neither the testators nor the beneficiaries ever anticipated. Then the procedure for obtaining a probate is complicated and not intelligible to the widows. The cost of obtaining a probate is heavy. Nor is this all. Young widows are not allowed to walk out of the zenanas. They cannot exchange thoughts with competent legal practitioners, and determine for themselves the right course to follow. They are not good accountants. The legal fiction that every one is presumed to know the law ought not to apply to their case. If they happen to know reading and writing the vernacular, they may at most make their intention known to the pleader retained for them. Their inexperience in forensic matters is taken advantage of by rapacious village demagogues and mooktears, who guide them and build their own fortune at their cost. Special care ought to be taken to guard against these evils. Once give reasonable protection to widows, and facility to get adequate redress from Courts of justice at a moderate cost, and make the law of Wills intelligible to them, and certain to the community in general the number of remarriages will increase, and abortion proceeding from incestuous connections will be unheard of. These widows will turn out useful members of society, and will no longer complain of deprivation and die of starvation.

Life-long imprisonment in the zenana, and tyranny of the head of the family, deter remarriage.

From the Chief Secretary to Government, North-Western Provinces and Oudh, to the Secretary to the Government of India, Home Department,—No. 125—III-408-3, dated Allahabad, the 5th February 1885.

I am directed to acknowledge your letter No. 39-1507 of 11th September 1884, with which you forwarded, for the consideration of this Government, two essays by Mr. B. M. Malabari on the subject of Enforced Widowhood and Infant Marriage in India.

2. In order to determine how far Mr. Malabari's remarks on the subject of enforced widowhood apply to the provinces under this Local Government, it seems expedient to endeavour to describe, as precisely as may be possible, the conditions and customs in the matter of the remarriage of widows which actually prevail among the bulk of the Hindu population in this part of India. It is necessary to premise by observing that it is impossible to speak dogmatically on such a subject or to define caste distinctions with absolute precision. The available information is, on many points, incomplete, and not infrequently conflicting. Complete uniformity of custom could scarcely exist over the large area and among the diverse races of these provinces, and all generalisations must therefore be held subject to a variety of exceptions and local modifications.

3. It has been pointed out by Mr. Mayne in his treatise on Hindu Law and Usage (pages 86 and 87) that the prohibition against the second marriage of women upon widowhood has no foundation either in early law or custom. It is probable, he thinks, that the change of usage on this point arose from the influence of Brahminical opinion, marriage coming to be looked upon as a sort of sacrament the effect of which was indelible. This view seems quite in accordance with the rules actually followed by most Hindus in the North-Western Provinces. The prevalence of widow marriage would, according to this theory, be regulated by the degree to which each caste has adopted or dissented from the later Brahminical custom; and the extent to which the priestly reaction has been successful in enforcing widowhood seems much more circumscribed than Mr. Malabari imagines. That particular form of widow remarriage known as the Levirate practice of marrying a brother's widow obtains special acceptance. Among certain castes, and under certain conditions, it appears to be a duty devolving on a younger brother to marry his elder brother's widow. Beyond doubt it is his privilege to do so, and a widow is in such cases rarely, if ever, allowed to marry out of the family, if there be a suitable male in it willing to espouse her. It would be superfluous here to enquire into the origin of the custom; but it may be assumed that any caste which allows a widow to remarry her brother-in-law will also allow her to marry a stranger if the family do not insist on its right over her.

4. Widow remarriages do not necessarily fall into the category of mere concubinage. Owing to the attitude assumed by the sacerdotal caste, it is not possible to celebrate them with the same ceremonies as the union of unmarried persons, and thereby to claim for them validity under section 6, Act XV. of 1856. But they are performed with certain customary observances prescribed by the caste to which the parties belong; and, when so celebrated, are both admitted by the brotherhood as binding, and have, in a series of decisions by the High Courts of this province and Calcutta, been recognized as valid marriages for all legal purposes.

5. There is some difficulty in preparing an accurate list of those castes which do and those which do not permit remarriage of widows. It is stated by some that those castes alone absolutely prohibit remarriage which are, or profess to be, of the "twice-born" class, *viz.*, the Brahmins, Rajputs, Vaisyas, and such mixed castes as Kayaths, which claim a similar descent. This classification, no doubt, marks in a rough way those tribes which claim to follow only the strictly orthodox observances of Hinduism from those which condone departures therefrom, or which have adhered to still earlier customs. But it leaves out of account the diversities of practice which exist even in the same caste or group of castes. Perhaps a more practical distinction will be found by taking those castes which have not and those which have *panchayats*. The former, it is generally believed, do not recognize remarriage, but punish it by excommunication; the latter permit it. In fact, the second marriage is a sort of civil contract, ratified by the caste brethren or *panch*, and, though not accompanied by the religious ceremonies which accompany the first marriage, constitutes in their eyes a formal and legal union. Without the consent of the brotherhood the union only amounts to concubinage by consent of parties. The absence of religious ceremonies in the second marriage marks, it may be observed, the popular dissent from the Brahminical custom, and indicates the persistent disapproval of the priestly caste. The Brahmins have stood aloof from a remarriage which their own customs and traditions would not allow: the people have taken the law into their own hands, and found in their own *panchayats* a machinery for celebrating a ceremony on which the priesthood has laid its interdict, and the general result is that wherever the remarriage of widows prevails, it is the lower and less advanced castes which practised it in defiance of the teaching and example of the enlightened and religious ones, and it is their caste councils which give sanction and validity to such unions.

6. Besides the "twice-born" castes and those with no *panchayats*, there are some families and individuals who strive to imitate those whom birth or tradition has placed above them in the social scale, and, when they have risen in the world, try to cut themselves off from their previous associates by adopting the habits of people to whom they have been taught to look up

to. One of those habits is that of prohibiting remarriage of their females. Hence in a good many instances may be found some special sub-divisions or families repudiating a practice which the rest of the caste admit. This appears to happen often with Sonárs and many of the sub-castes which are generically called Baniyas. In the latter caste are grouped many tribes who claim (and probably with truth) descent from the ancient Vaisyas, and many who in their origin were aborigines (non-Aryans) or Sudras, but, having successfully adopted commerce as a profession, have obtained recognition as Baniyas, without being admitted to intermarriage or commensality with the Vaisya tribes.

7. The census tables give no details of these sub-divisions, and from the information available it is not possible to declare precisely what proportion each forms of the whole body. But so far as it is possible to calculate from the information immediately available, there seems no doubt that the numerical bulk of the Baniya caste do permit remarriage, and it is only the Agarwalas and the other higher and wealthier branches who absolutely forbid it. If however it be assumed that half the Baniyas are for, and half against, the practice, any excess of the latter can be set off against the isolated cases, in other remarrying castes, of persons who do not follow the tribal custom.

8. No Brahmins of these provinces appear to admit remarriage of widows, but it is said that one clan in Sindh does so. Among the Khattris, who claim some affinity with Rajputs, one branch is said to allow the practice, and it is alleged that the Jadons in this part of the country do not forbid it. Rajputs, Bháts, Khattris, Káyaths, Bhuinhars, Tagas, and some branches of other castes do not admit widow marriages; but, broadly speaking, it may be said that all Hindus, with the above exceptions, do allow and practise it. There are many curious restrictions aud exceptions which do not appreciably affect the total result. Following the details of caste Statement, VIII.—B, of the Census Report for 1882 (Vol. I.), the following seem to be the castes which interdict widow marriage:—

Caste.	*Number (both sexes).*
½ Baniya	602,065
Bhát	129,921
Bhuinhar	188,080
Brahmin	4,655,204
Chauhan	99,807
Joshi	33,303
Kayath	513,495
Khattri	47,288
Tagas	101,615
Bengalis	2,521
Kashmiris	1,794
Marwaris	1,854
Rájputs	3,027,400
Total	10,404,347

9. The total number of Hindus in these provinces is 38,053,394; so that, roughly speaking, only a little over one-fourth of the Hindu population prevent their widows from remarrying; and this fourth comprises the most wealthy, educated, and high-born classes. These figures, taken absolutely, would show that Mr. Malabari's description of the caste restriction on marriage does not apply universally, or even generally, to this part of Upper India. It would appear, on the contrary, that the restriction is partial, and, where it exists, seems due rather to a strict observance of high religious doctrine and the conservative instincts of those classes whose social position has prevented them from feeling the full inconvenience of it.

10. In the section (Census Report, XIII., page 78, *et seq.*) on the conjugal condition of the people of these provinces, Mr. White has analysed the census returns of 1882, so as to bring out very clearly the fact that there is no such preponderance of widows among Hindu women as is generally imagined. Taking 15 as the age of puberty, he shows that out of the whole female population of that age and upwards, the percentage of widows is 26·7 among Hindus and 25·1 among Musalmáns. An abstract of the figures for the population under 15 discloses the result that out of a total female population of 6,582,405 Hindu girls of 14 years and under, there are 25,574, or 0·38 per cent., widows; and out of a similar total of 1,050,034 Musalmáns, 2,612, or 0·25 per cent., are widows. Or, if the females aged from 9 to 14 alone be considered, it appears that out of 1,820,134 Hindus, 21,417, or 1·2 per cent., are widows; and out of 293,109 Musalmáns, 2,113, or 0·7 per cent., are widows. These figures may raise some doubt as to whether even so much as one-fourth of the Hindu widows do really or rigidly abstain from remarriage (formal or informal); and they seem to leave no doubt that the existence of a large proportion of widows is not due to any special conditions of the religion or social customs

of Hindus, but obtains almost equally among Musalmáns, whose religion presents no obstacle to the second marriage of widows. The explanation must be sought in social or physical conditions which are common to both the great religions of the country. Those conditions can probably best be traced by a comparison with other countries. It is impossible from the want of materials to institute comparisons with the vital statistics of some other oriental nation whose social life would present useful analogies. But turning to England, for which such statistics are available, it appears that out of every 100 females of 20 years and upwards, 25·80 are single, 60 60 married, and 13·60 widows. In the North-Western Provinces and Oudh the corresponding percentages are—

Single	0·81 (never married)
Married	69·64
Widows	29·55

11. From this it may be argued that the Hindu woman is less exposed than the English woman to the disadvantages attendant on exclusion from the married state and on the unprotected isolation in which those are left who are deprived of the solace and security of a household. If 16 per cent. more of the former than the latter are left widows, on the other hand 25 per cent. more of the latter than the former never find husbands at all: and so far the Hindu woman is better off than her English sister. Whatever may be the difference between the two forms of society, the general social effect and result must be detrimental wherever a large body of unmarried women exists, whether these be widows or spinsters. The position of a single woman is no doubt more tolerable in England from the greater freedom and security, and the much higher social consideration and sympathy that women of every status enjoy there. And the restriction which the *parda* places on the movements of all respectable women of the higher castes in India must aggravate the isolation of widows here. There is no doubt that these things greatly intensify the disadvantages and unhappiness to which all women are liable who are denied their natural place in a household; but the ultimate conclusion is little more than that the position of women everywhere is imperfect and often very unsatisfactory.

12. The proportion of widowed Hindu females only begins to become excessive in the fourth decade of life. It is 6·39 per cent. between the ages of 20 and 30, and rises to 17·06 between 30 and 40, and swells to 60·9 and 83·04 in the next two decades. In England the proportion of married women between 15 and 20 years of age is only 3·1 per cent.; in the North-Western Provinces and Oudh it is 89·8; between 20 and 30, 47·5 per cent. of English women are married, and 92·4 of Indian women in this province. In the next decade the proportions are more equal, being in India 82·5 to 75·1 in England; and in the fifth decade and afterwards the English returns show a higher percentage of married females.

13. It seems, therefore, clear that, comparing the two countries, there are more widows in the North-Western Provinces and Oudh, because (1) a larger proportion of the women get married, and (2) they get married very much younger. *Cæteris paribus*, a woman who marries at 15 stands a much greater chance of being left a widow than a woman who does not marry till 30; and as an Indian woman reaches a marriageable age earlier than a European, so she passes it sooner. Mr. White's inquiries went to show that at 30 years of age she is generally an old woman, past the age for child-bearing, and not likely to secure another husband. This most likely is the reason why, as above noted, the proportion of Hindu women living in widowhood only begins to get excessive in the fourth decade of life. Those left widows after 30 remain so for the rest of their lives, and this is a state of things which is likely to continue till some radical change in the national physique and constitution occurs, which may check the development and prolong the youth and vigour of the race. Males remarry freely even in old age, but they do not seem to choose their second wives from among the widows of 30 and upwards.

14. When, therefore, Mr. Malabari condemns the caste customs of Hindus because they impose "enforced widowhood," it is to be observed that his generalisations do not apply to these provinces. Little more than one-fourth of the Hindu castes here are shown to follow any such custom, and the proportion of widows is scarcely greater among Hindus than among Musalmáns. Judged by a European standard, the percentage of widows is high; but, on the other hand, the percentage of spinsters is infinitesimally small, and the excess of widows seems due in the main to physical and social causes which are not peculiar to Hindus, and are probably inseparable from the ethnological and climatic conditions of the country. The residuum of avoidable evil which can be safely set down to caste custom is confined to the wealthier and more educated classes, who ought to be best able to help themselves without asking for Government interference.

15. Upon one point only does the existing law seem to fail in affording sufficient facilities to Hindu widows who may desire to remarry. Such remarriage is at present dependent al-

together on the custom of the caste and the consent of the family. No Hindu widow of a caste which prohibits her remarriage, or who fails to obtain the assent of her friends even in a caste which permits remarriage, can contract a valid and legal union, because there is no machinery by which she can claim to effect it. Statutory marriage by civil contract does not exist for persons of the Hindu religion. They are excluded from the benefits of Acts XV. of 1865, III. of 1872, and XV. of 1872, except in the solitary case of marriage with a Christian. But it must be observed that this disability is not accidental or undesigned. The Legislature has deliberately refrained from authorising civil marriage between persons professing the Hindu faith. The Bill which in another shape subsequently became law as Act III. of 1872, when introduced in September 1868, contained in its original form a provision legalising such contracts. It was met by such general opposition, and received with such widespread dissatisfaction by the Hindu community, that it was withdrawn. The position assumed was that the Bill would by direct legislation change very deeply the native law upon marriage; while by recognising the existence of the Hindu religion as a personal law in the matter of marriage, the British Government had contracted an obligation to enforce its provisions in their entirety upon those who choose to live under them. The discussion upon the Bill exhausted all the reasons and arguments which could be urged for or against grafting on the Hindu marriage law liberty to individual members of the religion to contract marriage as they pleased without reference to the customs of the caste or the consent of the brotherhood or family. The Lieutenant-Governor and Chief Commissioner is not prepared to say whether since that date there has been any such considerable change in the social conditions of the community, or any such material progress in the dissent from Brahminical orthodoxy, as to justify the Government in now re-opening the question. As the law now stands, a renunciation of the Hindu law or custom which governs marriage involves renunciation of the Hindu religion. Persons who are willing to take such an extreme step in order to escape from the obstacles which now present themselves to the remarriage of Hindu widows can effect their purpose by a recourse to the machinery provided under Act III. of 1872. But should the movement ever assume large and popular dimensions, it will be necessary to improve and enlarge that machinery which is at present adapted only to meet the wants of the small Brahmo community; and Sir Alfred Lyall would meet any such movement half-way.

16. On the subject of infant marriage Sir Alfred Lyall is scarcely prepared to offer any definite suggestion. It is very doubtful whether State interference in such a matter is desirable, and there is still more reason to doubt that it could be effectively attempted. To alter by legislative or executive action the social custom of an entire nation is a very difficult matter and can only be effected very slowly, by taking advantage of, or occasionally anticipating, gradual changes of public opinion or of circumstances. Nor do the remedial measures which have been suggested commend themselves as at once just and practicable. They generally take the form of imposing certain disabilities on youths who may have contracted marriage before reaching puberty. But, apart from the difficulty of running counter to the social customs of a whole race, it should be remembered that the persons on whom these penalties would fall are themselves the victims to the evil, and not the authors of it. To hold them responsible for a state of affairs from which they are the sufferers, or to strike at others through them, would hardly seem defensible on ordinary principles of equity. More particularly would it seem inadvisable to impose any sort of educational disability. Real and permanent reform must have its origin in the spread of general education and enlightenment, and therefore any measure which would prevent or restrict freedom of access to schools or colleges would seem to defeat its own object. The betrothal of infants no doubt gives rise to incompatible unions and excludes that individual freedom of choice which Englishmen are accustomed to think essential to happiness in the married state. But this view is not shared by all Western nations; and very many who are opposed to child-marriage seem prepared to admit that the real injury to the community at large is due to premature cohabitation, and not to early betrothal. The Lieutenant-Governor and Chief Commissioner is not disposed to underrate the drawbacks of infant-marriage. Besides its own peculiar evils, it is responsible for the existence of a large number of widows among the higher castes, and it is entirely responsible for that form of widowhood in which women have never been wives or mothers. But while deploring the existence of a custom which is attended with such consequences, it seems impossible to avoid the conclusion that any real reformation must await the impulse of a widespread desire for a social change, and that State interference could at present do little good and would almost inevitably be misunderstood by the bulk of the people. With every sympathy for Mr. Malabari's philanthropic labours, the Lieutenant-Governor thinks that it would be premature to invoke the aid of Government to prevent the custom of early marriages till the teaching and example of its natural leaders had created a popular feeling adverse to the custom.

From C. L. TUPPER, Esq., Officiating Secretary to the Government of the Punjab, to D. FITZPATRICK, Esq., Officiating Secretary to the Government of India, Home Department,—dated Lahore, the 23rd March 1885.

I am now directed by the Lieutenant-Governor to reply to your letter No. 39, dated 11th September 1884, regarding a paper on "Infant Marriage" and "Enforced Widowhood" in India by Mr. B. M. Malabari of Bombay.

2. The subject, Sir Charles Aitchison agrees, is one of great importance to the social welfare of the people of this country, and in order to elicit an expression of opinion he has availed himself of the permission accorded in paragraph 3 of your letter and has circulated Mr. Malabari's papers to certain official and un-official gentlemen. His Honour has also brought them to the notice of some of the principal native societies in this province.

Mr. C. R. Hawkins.
,, D. G. Barkley.
Díwán Ram Náth.
Mr. Denzil Ibbetson.
Kanwar Bikrams Singh, C.S.I.
Rái Múlráj, M.A.
Nawáb Nawázish Ali Khán, C.I.E.

3. The opinions of the gentlemen marginally noted, copies of which are forwarded herewith, furnish, the Lieutenant-Governor considers, an interesting commentary on the suggestions made by Mr. Malabari and merit wider publication.

4. Regarding the personal opinion of the Lieutenant-Governor I am to say that Mr. Malabari called upon Sir Charles Aitchison in Simla and afterwards sent him copies of these papers. His Honour then told him that he did not consider it the province of Government to take the initiative in these matters, although Government might, and ought to give every countenance and encouragement to them, and he sees no reason to alter this opinion. Very little good, the Lieutenant-Governor believes, can result from the direct action of Government in reforms of this nature until the way is cleared by enlightened native opinion, and Mr. Malabari would seem to be taking the right course in endeavouring to educate the opinion of his fellow-countrymen. Sir Charles Aitchison offered to help Mr. Malabari in this direction, if he wished it, by circulating copies of his papers to societies and Native gentlemen in the Punjab whose co-operation might prove serviceable, and he will be glad to assist at all times in this way and in any other which the Government of India may think desirable.

From C. R. HAWKINS, Esq., Deputy Commissioner, Amritsar, to the Under-Secretary to Government, Punjab,—No. 1366, dated 27th October 1884.

I have the honour to reply to your No. 762S., dated 21st instant, regarding infant marriages and enforced widowhood.

2. Both subjects are admittedly evils arising out of certain social opinions or prejudices and there are no regulations of the State which encourage such evils. The question is, how the State can modify certain social opinions by legislation or any other action. It is a serious question how far the State can interfere in domestic customs.

3. With regard to infant marriages, I would first observe that infant betrothals and marriages are not specially oriental institutions. They were well known in Europe at a comparatively recent historical period. They have now disappeared without any special action on the part of any State. I should conclude that the State should only show disapproval of such customs, and that active interference is hardly necessary, and certainly not advisable.

4. One means of showing this disapproval seems thoroughly practical and inoffensive The State has certainly a right to prescribe the conditions on which any grant of money is made. Celibacy might be made a condition of all scholarships held by youths under a certain age. Such a condition would be soon widely known and specially tend to influence the rising generation, which is also desirable. Any measure of this sort would be useful and unobjectionable.

5. Obstacles to the remarriage of widows are not much felt in this part of the country. The principal difficulty which seems to be felt in other parts is perhaps more the want of men willing to marry widows than the objections of relatives to allow their widowed sisters and daughters to remarry. On this subject, however, I only speak from hearsay, as the question hardly arises in this part of the Punjab.

6. The organization of societies for the discouragement of early marriages and encouragement of the remarriages of widows lies within the power of private enterprise. The patronage of the State might be usefully given to such societies, but I doubt the wisdom of active State interference with domestic customs, which may be trusted to disappear when the country is no longer suited for them, as has been the case in Europe.

From Honourable D. G. BARKLEY, Member of the Legislative Council of the Government of the Punjab, to the Under Secretary to the Government of the Punjab,—dated Simla, the 23rd October 1884.

In reply to your No. 762 S., dated 21st instant, I have the honour to state that I have already had an opportunity of reading Mr. B. M. Malabari's Notes on "Infant Marriage" and "Enforced Widowhood," and I have no doubt that both are evils for which, in the interests of the social welfare of the people, it is desirable to find a remedy. It is satisfactory to see that some at least of the educated natives of India have come to look upon them as evils for which a remedy should be sought, even when they show too much disposition to rely upon such pressure from without as the State can bring to bear, and too great readiness to despair of any progress being made as the result of endeavours to educate public opinion on the subject.

Little to be expected from legislation beyond what has already been done.

2. But in devising a remedy for social evils the actual condition of the people to be benefited and the state of public opinion among them are elements in the problem which cannot be neglected with safety. If they are left out of sight, the proposed remedy may not only be almost entirely inoperative, but also bring about new evils which should have been foreseen before it was resorted to. I am glad to see that it is admitted that legislation can do little, if anything, more than it has already done. Our law as it now stands does not countenance "enforced widowhood" (see Act XV. of 1856); and, while it is possible to punish infanticide and *satti as* crimes, infant marriages cannot be declared criminal offences, nor would it be right to declare them invalid with the certainty that they would continue to be entered into in millions of cases, all persons concerned being completely ignorant of the fact that the law would no longer recognize them. Even in the case of Christians the age at which marriage may be entered into is not regulated by law, though when the parties are minors certain precautions are prescribed, and the consent of parents and guardians, if in India, is rendered necessary, and though the effect of section 60 of Act XV. of 1872 must be to render more difficult marriages between Native Christians below the ages there specified. In the case of Parsis also no age is fixed, though the consent of the father or guardian is required if any of the parties is below the age of 21 years, and section 37 of Act XV. of 1865 does not allow certain suits relating to marriages to be brought until the husband has completed the age of 16 years and the wife the age of 14 years. If legislation of a similar character were desired by Hindus, it might be useful to discourage too early consummation of infant marriages, though it would be no obstacle to the marriage relation being established in infancy. But it would probably be necessary to ascertain that at least a large number of Hindus desired such legislation before it could be proposed.

Few of the suggestions for interference by the State to discourage infant marriages appropriate.

3. Several suggestions are made as to modes in which the State might indirectly show its disapproval of infant marriages. The only one of these which does not seem to involve undue interference with a practice which it is not expedient to prohibit by law is that the Educational Department might draw attention to the evil in its school-books. This would be simply assisting in educating public opinion on the subject, and if care were taken to introduce it in a way suitable for school-books intended for children who can do nothing themselves to remove the evil until they come to mature years, it would probably be unobjectionable. The suggestion that officers might show personal interest in the matter, keeping their official position in the background, is also unobjectionable; but, as this can only be done by officers in their private capacity, as they see opportunities of exerting their personal influence, it is not really a suggestion for State aid.

Refusal of admission to University examinations to married students objectionable.

4. The suggestion that notice should be given that after the lapse of a certain time married students should not be admitted to University examination is an example of what would be objectionable interference. There is no reason why men of thirty or more—teachers, for instance—should not be allowed to present themselves as candidates for degrees; and, if such a rule were laid down, the fact of marriage would no doubt be denied in many cases in order to evade it, the risk of detection being very slight. It would thus be an obstacle only to those who had sufficient principle to refuse to be guilty of deception.

Undesirable to give preference to unmarried candidates for public service.

5. The proposal, again, that unmarried candidates for public employment should be preferred, all other qualifications being equal, would only operate in the few cases in which it could be said that the qualifications of the candidates were absolutely equal, and a personal preference on this ground would be liable to be counteracted by personal preferences on some other ground, such, for instance, as that a particular candidate was of better family or superior social position. There would in this case also be the danger of the fact of marriage being concealed. It is not desirable to introduce a new qualification or disqualification for employment depending upon considerations wholly irrespective of fitness. A married candidate might of course be required, if Govern-

ment thought this desirable, as a condition of his appointment, to insure his life for his wife's benefit, or to subscribe to a Family Pension Fund.

Indirect inducements to students to remain unmarried also undesirable.

6. The idea of offering indirect inducements to students to remain unmarried up to a certain age seems equally objectionable, though no suggestion is made as to the nature of the inducements to be offered. People should not require to be bribed to do what appears to be most for their own advantage; and it would also in most cases be the parents rather than the student himself on whom influence would require to be brought to bear. Besides, students form a very small proportion of the whole community which it is desired to benefit, and it would be absolutely impossible to carry out the principle to its natural limits by offering indirect inducements to the people of all classes.

Impracticable to arrange for securing money paid for an infant bride for her benefit.

7. The suggestion that money paid by an old man for an infant bride should be secured for her benefit is equally impracticable for a different reason. The State has no means of ascertaining when money has been paid, or what the amount was, and it would be difficult for it, if these facts were known, to get possession of the money in order that it might be placed in proper custody. It would of course be alleged that it had all been spent, and probably in many cases this would be true.

Marriages of girls to boys junior to them cannot be restrained.

8. The case of the marriage of a girl to a boy who is her junior need not arise from any criminal motive, and when it does, all that can be done is to punish the crime when committed and proved. In the Punjab such marriages may arise from either of two causes. The caste of the girl's parents may be such that they have found it difficult to obtain what they consider a suitable match for their daughter, and they may therefore have to agree to marry her to a boy of proper caste and family who is younger than the girl rather than leave her unmarried. Or, the girl may have been betrothed to an elder brother who has died, and popular opinion may be so strongly in favour of the claim of the family of the intended husband, when there is a younger brother to whom the girl could be given, that her parents may feel it impossible to resist the claim.

Education of public opinion not necessarily confined to the educated class.

9. With reference to the education of public opinion, Mr. Malabari seems to think that this must be confined to the small proportion of the population who have received elementary education. But this is not necessarily the case. After the annexation of the Punjab, much was done to create a public opinion opposed to female infanticide by public meetings and conferences between leading men. The difficulties to be overcome were thus brought to notice, and efforts were made to remove these difficulties. Many of these arose from marriage customs, such as the feeling that a girl must be married into a superior sub-division of her caste, and in the case of Bedis, descended from the Guru Nanak, the absence of any caste accustomed to receive Bedi girls in marriage, as they had long ceased to be given in marriage. Agreements were come to with a view to reduce or remove these difficulties, and there is no doubt that amongst the Khatris a considerable reform was effected, though it has fallen short of what was hoped for at the time. Probably the great majority of those who took part in this movement, excluding the officials, European and Native, had no more elementary education than was required for the purpose of keeping accounts. As regards the educated classes, they can, if they are themselves anxious to bring about a social reform, do much to create a healthy public opinion amongst those who cannot read or write, but they must, in order to do so, be prepared to address them orally, or to read to them publications likely to influence them. They must also try to show that they believe what they teach by acting upon it and encouraging each other to act upon it when opportunity arises. In the Punjab at least, early marriages are probably less prevalent among the illiterate masses than among the educated. There are considerable tracts of country in which the customs of the people are opposed to early marriages, and it is usually the higher castes and the people of best social position who consider them most necessary. Where they do not prevail, the physical characteristics of the people are evidently better than where they do.

Propositions which Government is asked to lay down as to remarriage of widows considered.

10. As regards remarriage of widows, the difficulty appears to be chiefly the opposition of caste. It is admitted that Act XV. of 1856 covers the first proposition which Mr. Malabari asks Government to lay down. It is described as having remained practically a dead letter, though it is admitted that there have been many remarriages in spite of the stringent prohibition of caste. What, then, is the State asked to do? *First*, it is asked to make the law known to the widows and enforce it by all possible means. It is rather the business of the associations who have taken up the question than of the State to explain to widows that there is no legal obstacle to their marrying. Both parties to the marriage may incur the risk of expulsion from caste, but they cannot be protected against this. Expulsion from caste is not a

civil injury, though an attempt to give it undue publicity may be—*see* I. L. R., 6, Mad., 381. The State cannot put itself in communication with widows, who may have no desire to remarry, for the purpose of informing them that the law allows them to do so, but that it cannot protect them from all unpleasant consequences which may follow. However anxious again, a widow may be to remarry, the State cannot find her a suitable husband, and she may have difficulty in finding one for herself. *Secondly*, it is suggested that the State should arrange to ascertain in suspected cases that the widow has adopted perpetual seclusion voluntarily. If she has, she would probably object very strongly to what she would regard as impertinent enquiries. If any illegal restraint is practised upon her, she can complain, but if her difficulty is that she fears expulsion from caste, or cannot find an eligible husband, the State cannot help her. *Thirdly*, it is suggested that widows complaining of ill-usage, other than exclusion from caste, should be allowed special privileges in Court, such as the gratuitous service of counsel, exemption from stamp duty, and so on. The services of counsel are not supplied by the State, and the stamp duty on criminal complaints is not large, and the Magistrate has some discretion in the matter if he thinks it should not be required in a particular case. As regards attendance in Court, widows have the same privileges as other women having business in Court. There seems to be nothing here which may not be as well done by a voluntary association as by the State. *Fourthly*, it is suggested that exclusion from caste should not apply except to the principals. The State, however, does not regulate exclusion from caste, nor does it seem probable that any person would be excluded from caste unless he had countenanced the marriage objected to by his presence at the celebration of the marriage or at the marriage feast, or unless he associated with the persons excluded. It is not shown that in any case caste rules authorize the exclusion of any person on the ground merely of relationship with a person who has incurred exclusion, and if they go to this length in any case, they are very likely to lead to the caste dividing into sections, one of which allows greater liberty than the other. A caste is really, from the point of the view of the State, very much in the position of a voluntary association, and people who wish to continue to belong to it must submit to its rules; while it can only punish those who will not do so by expelling them, unless they submit to some minor penalty in order to avoid expulsion. It cannot take away any civil rights—*see* Act XXI. of 1850.

Widows can be protected against any violation of the law in which members of the caste are concerned, but not beyond this.

11. Mr. Malabari appears to think that in the course of time the State should be prepared to go further in protecting widows against caste. It can protect them now against any violation of the law instigated by a caste or any of its members, and it is not easy to see how it can go further, unless it is prepared to go the length of declaring castes which refuse to associate with widows belonging to their number after remarriage to be illegal associations, and to punish people for belonging to them. There can be no doubt, however, that any attempt to do this until the circumstances of the country are very greatly changed would put Government in a false position, and would do more to retard reform than to assist it. And when it becomes possible to take such a step, it would probably be no longer necessary, as enlightened public opinion would then be enough to prevent caste oppression by making it easy for those who were affected by it to withdraw from connection with their caste without losing any social status thereby.

Conclusion. More to be hoped from efforts to influence public opinion than from any impulse the State can give.

12. The result seems to be that the State as a State can do little that it has not already done, and that any further movement must come from outside. If the existing associations think it desirable to unite into national or provincial associations for social reform, there can be no objection to their doing so, but the proposal should come from them. The State cannot form such associations, though high officers of Government may be disposed to give them their countenance and sympathy when formed. Even if anything remains to be done by the State, it will be easier for it to do what is needed when moved by influential associations which have first endeavoured to prepare the public mind for further progress. The difficulties that social reformers have to encounter in India cannot of course be ignored, but they can only be overcome by facing them boldly, and not by hoping for some impulse from above to remove them.

From Diwan Ram Nath, District Judge, Hoshiarpur, to the Under Secretary to the Government of the Punjab,—No. 1244, dated 1st November 1884.

In reply to your printed letter No. 762 S., dated 21st ultimo, asking my opinion on the enclosed papers on infant marriage and enforced widowhood, I beg respectfully leave to submit my opinion for perusal of His Honour the Lieutenant-Governor.

OPINION.

Infant Marriage.

No sensible man will deny the truth of Mr. Malabari's remarks, and I will further add that infant marriage is not only fatal to the physical and moral interests of the young couple, but it is to some extent ruinous to the girl's parents, who to please the other party spend money beyond their means* and thus involve themselves in debts and ever-lasting troubles. One of the causes of indebtedness of the agriculturists, jágírdárs and old families is *kurtoot*, or anxiety to get a great name on the occasions of marriage, &c., and if a father of a high-caste girl does not show his *kurtoot* beyond his means on such occasions, he is sure to expect the displeasure of his daughter's parents-in-law, and his daughter will during her infancy receive the hints of the failure and ill-treatments.

As to the ornaments and money given to the girls, had they been of age, they could keep them for themselves, but there is no security for such property remaining in the safe custody of the guardians in the case of minors, and it usually happens that before the young couple come of age the money, &c., is either spent on other family marriages or otherwise disposed of by the parents of the bridegroom, and so the person whose marriage was made with a pomp ruinous to the parents turns out a pauper when he is himself the father of his children. Persons of low and middle castes and poor men of high castes too,—some for want of money and some from absence of rich purchasers of their girls,—generally do not marry them in minority, and so they are physically safe; but, as they are generally betrothed to much older persons than themselves, they have soon to wear the garb of widowhood.

It is thus a well-established fact that the misfortunes of infant marriages and marriages of unequal age are greater than a man may happily tolerate, but the question is how to cure the evil? The remedies suggested by Mr. Malabari are as follows:—

1. That Universities should not admit married boys to their examinations.
2. That public service should be given to unmarried young men in preference to married men.
3. That the State should take possession of the fund given to a bride's father as price of girl married to an old man.

I would rather suggest a penal law prohibiting minor marriages than to recommend the remedies suggested by Mr. Malabari.

The first and second remedies will not touch the people who do not want high education or public service, and the sons of those who want to get education and service will be punished for wrongs done by their parents over-prejudiced by Hindu law, custom, and numerous superstitions.

Third remedy is quite impracticable. The money given as price of a girl is given sometimes in lump, but so secretly that it is quite difficult for a Court of Justice to trace it out; and sometimes the girl is sold to an old husband in the hope that her sellers, the parents, will be maintained for life, and thus they get the price by instalments.

In short, public interference of any kind will not meet generally with satisfaction as long as the idea prevails that it is a sin to keep a girl *unmarried* after she is ten years of age, and it is therefore that the Hindu father of a male child seeks early betrothal, that if his son is not soon betrothed girls of his age will not be found. Education, specially female education, is therefore, the only remedy for the disease. But the following suggestion is put forward as a step in the right direction—

1stly.—In provinces like Bengal and Bombay the learned classes of several castes and under-castes may be induced to ask the Government to pass an Act similar to the *Parsi Marriage* Act, and in that Act a provision might be made for the illegality of minor marriages. If an attempt of this kind were made in those Provinces, it would gradually encourage learned natives of the sister provinces to follow their example.

2ndly.—The District and Municipal Board Members should be now and then rewarded who make an example in their own families against infant marriage.

3rdly.—Pandits and Brahmins, Lambardárs and Panches who strive to make people believe that infant marriage is a greater sin than allowing maidens to reach womanhood without marriage should also be taken special notice of.

4thly.—Brahmins be appointed by the Local Boards who would undertake to preach and use their influence for good on this question.

5thly.—Chairs be allowed before officers to the heads of the several tribes who effectually and heartily assist in the reform.

* Heavy expenses are not ordinarily made when the marriages are performed of adult males and females, because in such cases parents of bridegroom are rather anxious to get their sons married and the son himself rather wants a wife than money.

Enforced Widowhood.

It is in many cases very hard no doubt that a minor widow has to pass her age in grief and sorrow, but it is very difficult to find remedy for the evil. Remarriage in another caste is greater misery for the widow than widowhood; for she gets separated from her parents and parents-in-law and their relations for ever, and is thrown on the mercy of the man who marries her, not for love, but for passion, and may any time throw her aside. Moreover, to change a caste is not only ruin to a girl, but it ruins the good name of her parents in their society or brotherhood, and so much sacrifice the majority of the respectable widows cannot generally dare to make.

It is also hopeless to suggest a course under the existing religious feeling by which a high caste widow if she remarries in her own caste is disgraced, unlike Jats and other middle castes who are allowed to remarry.

For a woman to remarry among the high castes is not a disgrace to the widow alone, but any caste-fellow who ventures to take her in marriage is also disgraced and made an out-caste. It is therefore that neither the male nor female members of a high caste can dream of such marriages. Thus, it is in vain to expect any good by adopting the suggestions made by Mr Malabari. The Civil and Criminal laws in no way interfere in the interests of a widow marriage, and a widow anxious to go out of the house and caste cannot be chained by any private or public force, but she is fastened by her own feelings of religion and caste rules and a fear of the displeasure of her society and family. And as long as such ideas do prevail the remedies suggested are of no avail. The widows are not generally ignorant of the freedom given to them by law, but they consider themselves bound to obey their religion and the rules of society. So to let the widows understand their natural rights and to distinguish right from wrong, female education is the only cure in my opinion, and no other course can set aside the well-rooted Hindu feelings and prejudices against the remarriage of a Hindu widow. It is true that some Birham Samajies, Arya Samajies and Madrasies have here and there caused widows to remarry, but what has made them to do it? The reply is that high education caused them to change first their old principles of religion and thus they were free to allow remarriage of widows.

I quite agree with Mr. Malabari that the exertions of Government have well extinguished *satti* and infanticide, but the difficulty is that the Legislature is not expected to interfere in the matter so directly as in the case of *satti* and infanticide. A section in the Penal Code providing punishment for those who turn out of caste a remarried widow and her new husband would ultimately prove a great boon to society and unhappy Hindu widows; and, though outward dissatisfaction might be shown by the majority of Hindus, the legislator of the law would have blessings of the young widows at large and their parents generally.

If any enlightened Hindu Rája were to undertake to perform the duty first in his own territory by aid of Brahmins, I think it would have an easier way for our British Government to assure the ignorant classes of the public that the legislation if made is purely made for public interests and no infrigement of caste and religion is intended.

From Denzil Ibbetson, Esq., Officiating Director of Public Instruction, Punjab, to the Under-Secretary to Government, Punjab,—No. 2419, dated Lahore, the 13th November 1884.

I have the honour to reply to your letter No. 762 S., dated Simla, the 21st October 1884, asking my opinion upon certain notes by Mr. Malabari of Bombay on infant marriage and enforced widowhood.

2. I agree with much that the writer says of the great evils caused by these two customs. It must be remembered, however, that neither of them is by any means universal in the Punjab. Throughout a large proportion of our area infant marriage is the exception (Census Report, 1881, paragraphs 688 to 690); while a very considerable proportion of our population —probably something like two-thirds of the whole—practise widow marriage (*ibid.*, paragraph 685).

This latter fact, however, greatly increases the tenacity with which the higher castes of Hindus cling to their objection against the custom, which is indeed commonly used as the test, and spoken of as the mark, of their superiority. And it must be remembered that infant marriage, if it leads in one way to immorality and suffering, in another way prevents it. Unchastity and offences connected with women are conspicuously more frequent in the west of the Punjab, where infant marriage is the exception, than in the east, where it is the rule.

3. In one remark made by Mr. Malabari I most heartily concur. He says: "I am not one of those who are for violent interference by the State, or for abrupt reforms from amongst

the people themselves. *We must move with the times, carrying the people with us.*" Nothing could be more dangerous, nothing would be regarded with greater suspicion and jealousy by the people themselves, than any semblance of an attempt on our part to interfere with their caste customs, or with anything that can be made even to appear to possess the sanction of their religion. The masses are intensely ignorant, and in such matters intensely bigoted, and even though they might not, of their own motion, object to any measures of the nature suggested, yet it is dangerous to give to the priestly classes, who are almost necessarily disaffected, any pretext that might be used to stir up agitation on the ground that the caste or religion of the people was endangered by the action of Government. It is, perhaps, possible to be too timid in these matters, to exaggerate the opposition with which certain measures will be received. But on the other hand, incidents in the history of our rule in India show how difficult it is to estimate beforehand the strength of that opposition, or to say with certainty that anything is too trivial to become a cause of offence. Setting actual political danger aside, any measures that should alienate the people and lead them to regard us with suspicion as attempting to interfere with their domestic arrangements would assuredly deprive us of power for good greater than could possibly be attained as the immediate result of the measures themselves. The first thing we have to do is to conserve and develop our power of leading and influencing the people; the particular direction in which we would lead them must be governed by this necessity. And there is always a real danger that the interference of Government may positively hinder its object, and that the people, though moving of their own accord in a certain direction, will turn round if they have the least suspicion that they are being driven by us.

4. I turn to Mr. Malabari's practical proposals—

(*a*) *Married students to be refused admission to examinations.*

It is the parents who marry their children young; they would hardly be affected by the measure. Every candidate would say he was unmarried, and inquiry would be inadvisable and impossible. The proposal is bad in principle and futile in practice.

(*b*) *Officials to prefer unmarried to married candidates, other things being equal.*

Unobjectionable as a rule, but of no effect. Officials will take the best men for the work.

(*c*.) *School books to preach against infant marriage.*

In other words, to teach the boys what a grievous wrong their parents have done them, and how intolerable it is that they should have been married to their wives.

(*d*) *To enact that all considerations paid to the relatives of the bride shall vest in her and be recoverable by her at any time.*

This seems to me a good suggestion in principle. And I do not think that it would raise any opposition among the people, who condemn in theory their own practice of sale of women. But I believe any such enactment would be as wholly inoperative as is the similar and existing law regarding dower. An acknowldgement of satisfaction in full is taken at the time of the marriage. Besides, the women would seldom, if ever sue.

(*e*) *To forbid the marriage of a woman to a male infant.*

The form of marriage by which a woman is for purposes of cohabitation the wife of *A*, while her children by him are for purposes of inheritance reckoned as the children of *B* in the next generation, is common enough among semi-civilised races, and is by no means necessarily criminal or immoral. But where it is the exception it probably does lead to immorality. Our law, however, provides punishment for adultery, and I do not think we can profitably do more.

(*f*) *To make public and enforce by active interference the provisions of Act XV. of 1856 which legalises widow marriage.*

Among castes or tribes which do not practise widow marriage, a widow who remarries is considered the mistress of her husband, her children bastards, and her husband an outcaste. Our law allows her children to inherit, but cannot alter their social position. Would it be wise, even it were possible, to tempt women to fly in the face of public opinion and the code of morality and decency in which they have been brought up? The large number of unmarried females in England leads to immorality. Suppose bigamy legalised, ought the English Government to seek to induce girls to marry men who had wives living, public opinion being as at present?

(g) To ascertain in suspected cases whether a widow is secluded against her will.

This means an inquisition into domestic life, which would be resented as a gross outrage by the women themselves, and would increase in a specially offensive form that power of extortion and oppression the possession of which by police and other underlings is, to my mind the greatest grievance under which the people labour.

(h) To increase facilities for widows complaining in court of social ill-usage.

I think I would allow a widow, as well as a wife, to sue for and obtain separate maintenance on proof of social ill-usage and on condition of chastity. Social ill-usage is difficult to define; but so are many other questions of fact upon which the courts have to decide.

(k) To forbid priests from excommunicating accessories to the marriage of a widow.

I suppose Mr. Malabari would make damages recoverable by civil suit. I doubt whether such a provision would ever be brought into operation. If it were, I do not see what effect it would have upon the custom concerning remarriage. And interference with caste regulations must be justified by strong necessity before it is ventured upon. In the Punjab it is, I think, the brotherhood (through the *panchayat*), and not the priests who excommunicate.

(l) To create a society with high officials as members and to disseminate pamphlets on the subject.

The society and pamphlets would be good. Officials might subscribe and sympathise, but should not give their names. The people only know the *Sarkar*; they cannot discriminate between private and public acts; and a pamphlet headed by the name of the Viceroy as patron of a society would be understood by them as a proclamation by Government.

5. Thus proposals (*d*) and (*h*)—the latter in the form in which I put it—are the only ones which seem to me worthy of consideration. What is required is that public opinion should be altered, not that individuals and specially women, should be induced to fly in its face. As soon as it tends to alter, individuals will sacrifice themselves, and in so doing will hasten the change. But it is not our business to tempt or prompt them to do so. The change, moreover, must come from within, and our assistance must be by permissive, and not by mandatory legislation. We can smoothe the path for advance by removing all legal obstacles, but if we attempt to press from behind we shall do harm rather than good.

From Kanwar BIKRAMA SINGH, Bahadur, Ahluwalia, C.S.I., to the Secy. to the Govt., Punjab,—No. 19, dated 30th January 1885.

I have the honour to acknowledge the receipt of your two letters No. 762, dated the 21st October last, and No. 28, dated the 17th instant, and beg to state that, owing to my trip to Calcutta, I was not able to reply to them earlier.

The two subjects discussed in the paper of Mr. Behramji M. Malabari have found topics for consideration for a long time all over India, and caused agitation in several quarters, but so little has yet been done that we cannot but feel diffident in expecting that any change will be brought about in a hurry.

With regard to the question of early marriage, I beg to state that its prevalence is to be ascribed to the general feelling among the people that it is one of their great responsibilities to get their children (especially daughters) settled in life, to save them from all future anxieties about having a proper home. But no doubt it sometimes happens that the death of an infant husband comes as a great calamity.

I quite agree with Mr. Behrámji that the infant widows are entitled to every sympathy; but I cannot concur with him in thinking that such widowhood extirpated by allowing the question of marriage to affect the prospects of students preparing for the examinations: restrictions placed on them on such grounds will prove injurious to them. I would propose that parents be allowed to enter into betrothal contracts on behalf of their children whenever they think fit to do so; but when the marriage takes place it should be registered in some Government office. Betrothals need not be registered, as the death of one of the betrothed parties does not debar the other from being betrothed again and married to some other person.

The registration of marriage of boys under fourteen and girls under twelve should be refused as unlawful, but the registration of marriage of boys and girls above the fixed age should be compulsory. But should parents or the married couple wish to have marriages registered after the couple attain the fixed age, they should be required to pay a larger fee by way of penalty, as in the case of unstamped documents produced in evidence. An unregistered

marriage when disputed in a court of law should be regarded as inadmissible documentary evidence which is not properly stamped. This rule of registration will, in all probability, act as a preventive to early marriage.

As regards the question of enforced widowhood, I for my part would always be willing to render every assistance in my power for the removal of this great social evil. In my opinion it must be vain to seek for aid from Legislature or the authorities in the cause; nor would such aid be accepted with good grace by the people in general. The Government has done enough in passing Act XV. of 1856. Such important movements should be taken in hand by the people themselves whose interests are concerned. There should be a general union of men from all parts of India to take up the cause, and the best thing they could do would be to publish in pamphlet form all the injunctions that can be found in the Shastras bearing on the subject of widow marriage, with notes and expositions, and to circulate such pamphlets largely among the people gratis, to convince them that widow marriage is not unlawful according to Hindu religion. There is no doubt that the conservative classes of Hindus will show every resistance in the cause and write in vindication of the evil custom. Bnt at the end good results can be expected, as the pointing out of the authority of the Shastras will induce most people to come forward and embrace the cause. As an instance, it may be mentioned that the Arya Samáj at Amritsar have made an advance in the cause, and they have had a widow remarried.

From Rái MULRAJ, M.A., Extra Assistant Commissioner, Gurdáspur, to the Under-Secretary to Government, Punjab,—No. 112, dated 1st February 1885.

In reply to your letter No. 762S, dated the 21st October 1884,—forwarding, for opinion, a letter from the Government of India enclosing a paper on "Infant Marriage" and "Enforced Widowhood" in India by Mr. B. M. Malabári of Bombay,—I beg to submit the following remarks.

There cannot be any manner of doubt that infant marriage is a serious evil. It is the cause of many of our social grievances; it goes to increase the number of widows, and has a very injurious influence on the development of both the body and the mind of the nation. Perhaps not a single good word can be said in its favour these days. A large section of my countrymen, both Hindus and Muhammadans, would be glad if infant marriage could disappear from the country.

There are many causes which bring about infant marriage. It is no good denying the fact that many Hindus marry their girls at an early age because they think that their religion requires them to do so. Most people, however, marry their sons and daughters at an early age because they think that it is required by the custom of the country. Almost all Hindus have a dread of a girl arriving at the age of puberty before marriage. Only time and the general spread of education and enlightened ideas can remove the objectionable practice of early marriage from among the generality of Hindus. But early marriage is not unfrequently the necessary and unavoidable result of infant betrothal. In the Punjab it is the custom among almost all classes to betroth boys and girls when they are mere infants. Most people have not the courage to refuse an offer of betrothal for their sons when it comes from the parents of a girl for fear of getting a bad name among the community to which they belong. Others again hasten to get their sons betrothed because if a boy grows up unbetrothed it is frequently considered to be due to some defect in the boy or the family, and it then becomes difficult to get the boy betrothed afterwards. On the other hand, the parents of a girl are anxious to betroth her as soon as possible, for if they wait till the girl grows up they rarely succeed in finding a suitable match for her, all the boys of well-to-do families having been betrothed beforehand. In that case it becomes necessary always to be on the look-out for a widower of comfortable means, or the girl is given in marriage to a boy of poor parents.

Such considerations induce the parents of boys and girls to betroth their children while mere infants of one, two, or three years. The early age of betrothal of itself necessitates that the ages of the boy and the girl should be almost equal. Either the boy is a year younger or older than the girl, or they are of equal age, and it is not at that time considered to be a matter of much consequence. Parents at the time of betrothing their children are in many cases sincerely of opinion that they will marry their children at a ripe age. But when the girl grows up to the age of 13 or 14 years she attains the age of puberty, and her parents think it necessary to give her in marriage. But, as boys do not attain the age of maturity as early as girls do, the father of the boy finds that his son at the age of 13 or 14 years is a mere stripling, and, if a man of education, he is opposed to the marriage. He recalls to his mind his declared opinions against early marriage, together with all the evils which follow in its train, but he finds himself powerless, as the parents of the girl press for immediate marriage.

He has therefore to give his consent against his will, and in spite of his education and convictions. He has to hang down his head before his fellows in thought, who, however, are compelled by the early betrothal of their own sons to play the same part when their turn comes.

Again, early marriage increases the chances of widowhood, and has to answer for being the cause of the most miserable class of youthful widows, who have perhaps never even spoken to their husband or seen his face. It would make the lot of my countrymen, and especially countrywomen, much happier, and greatly reduce the number of widows, especially of the most pitiable kind, if the custom of early marriage could be removed.

But we are as far as ever from such a happy result, and the reasons are not far to seek. One of the great causes of why the sufferings of humanity in India have not been much removed in this direction lies in the denational character of our reformers and the measures of reformation which are proposed from time to time. Our reformers attack everything at one and the same time. They assail religion, caste, and all that is dear to the Hindu when they propose any measure of reform, and they invoke the aid of Government in matters in which it should least interfere. The result is that they set the whole country against themselves and their measures of reformation, and make it impossible for the people to consider dispassionately the merits of the particular measure which is proposed for the good of the nation. And thus it happens that so little comes of so many efforts in the cause of reformation, and the miseries of the country remain without being relieved to the smallest extent. There is no doubting the fact that, whether widow-marriage be in itself good or bad, the Hindus are not yet prepared to adopt it, with trifling exceptions. But if proper steps were taken to discourage early marriage, it is hoped great results might be achieved. If the reformers directed their efforts against early marriage alone, and tried to draw the attention of the people to the significance of early betrothal and also to the desirability of a husband being older than his wife by, say, five or eight years, they would certainly not be met by the terrible and unyielding opposition now offered to them. Thus, so many unhappy marriages would be prevented, and the number of youthful widows would be considerably lessened.

In his letter Mr. Malabari says:—"There cannot be two opinions as to the existence of the evils and their disastrous effects. The question is how best to mitigate these without calling in the aid of direct legislation and without offending the susceptibilities of the orthodox." There is no doubt that this passage shows great wisdom, as well as moderation. But we seek in vain for the wisdom or the moderation, or even consistency, when we find him in the note on "Enforced Widowhood" introducing his four proposals with the words "Let Government rule." It is difficult to understand how Government can "rule" without resorting to direct legislation, and how if the rules are laid down by Government without resorting to direct legislation, they are deprived of the objectionable features which they would have if laid down by the aid of direct legislation. And as to avoiding *giving offence to the susceptibilities of the orthodox*, the measures which he has proposed as regards widow-marriage are not only calculated to offend the susceptibilities of the orthodox, but to convulse Hindu society to its very foundation.

Again, Mr. Malabari gives expression to strange views in the following passages:—

"Now my contention is—Has caste the power to punish an act which the State recognises as legal and natural, and for which, in fact, the State has presumably rescued the widow from the flames?"

"Here, then, is a conflict between State and caste: who is stronger?"

"And yet caste condemns her to an unnatural, if not an ignoble, course of life, may be for its own purposes, and tramples upon her finer instincts. Why should caste be allowed to do this?" Mr. Malabari may think this reasoning to be correct and conclusive, if he pleases. But these passages contain a confusion of ideas which is startling, not to speak of the unreasonable antagonism towards caste, which is wholly out of place. When Government abolished the *Sati*, it only interdicted suicide to the widow and bade her live. Surely caste does not enter into conflict with the State by condemning the widow to the flames in defiance of its power. Again, the State has removed the disqualifications regarding inheritance of the children of widows by their second marriage. Here, again, caste does not snatch their inheritances from those to whom the State allows them, and thus enter into conflict with the State. All that caste does amounts to this, that when a widow enters into a contract of marriage and thus departs from the customs of her community the members of that community from that time cease to have anything to do with her and treat her as they treat persons of another community or of a different religion. Now, if the widow is at liberty to remarry or not, just as she pleases, the members of her caste are equally at liberty to associate or not with her and her party, just as they please. If the exercise by the members of a community of the liberty of associating or not, as they please, with any particular member or members amounts to punish-

ment, or tends to condemn any person to an unnatural course of life, or serves to trample upon the finer instincts of that person, however much we may sympathize with that person, we are not thereby justified in calling upon the State to deprive its subjects of that liberty. And the State cannot take away this liberty with any show of justice or decency.

The religious bearings of the question of widow-marriage are thus summarily disposed of by Mr. Malabari :—

"We are again told that the custom has a purely religious bearing. No such thing. It is more a freak of the priestly class and of a set of social monopolists. At any rate, this is what it has come to. And how many bad customs and usages have already been put down which were all alleged to have had their origin in religion? By all means let us respect and preserve all that is good in a custom. But the British Government belie their cherished traditions in putting up with what is harmful simply because it is sanctioned by that custom."

This may dispose of the religious bearings of the question in the estimation of Mr. Malabari. But if religion be understood to mean that which is actually observed and believed as such by a people, it cannot be denied that the question of widow-marriage is with the Hindus a religious one. Ask any ordinary Hindu his views about widow-marriage and he will tell you that widow-marriage goes against "*Dharma.*" Mr. Malabari says that "the British Government belie their cherished traditions in putting up" with the custom. He does not surely mean that widows should be married by force, for he states in the beginning of his note that he does not endorse that vulgar opinion. Mr. Malabari perhaps does not know that against widow-marriage the opinion of women among Hindus is even stronger than of men By reading his note in some places one would be led to think that he would like to see the British Government force widow-marriage down the throats of the people because of its being conducive to their welfare. But he forgets that that line of reasoning would oblige the Government to force its religion as well upon its subjects.

It is not necessary for me to say that Government has done all that an enlightened Government could have done to help the cause of widow-marriage. The further amelioration of the condition of widows, as well as the removal of other social evils, rests with the community itself.

In the end, I may remark that I have not been able to find any unobjectionable and practical suggestion in the notes of Mr. Malabari which the Government can take into consideration. I may also observe that, though Mr. Malabari speaks disparagingly of educating public opinion and setting public opinion to cope with social evils, that is, notwithstanding, a very potent remedy, and also the only remedy possible.

From Nawáb NAWAZISH ALI KHAN, C.I.E., to the Secretary to Government, Punjab,—dated 4th February 1885.

I acknowledge the receipt of your letter No. 762S., dated the 21st of October 1884, forwarding for opinion a letter from the Government of India enclosing a paper on "infant marriage" and "enforced widowhood" in India by Mr. B. M. Malabari.

In the first place, I carefully examined and read the paper of Mr. B. M. Malabari and found that it is a strong appeal to the Government of India, as well as to the Local Governments and native societies, on the ill-usages and customs prevalent in India hindering to the second marriage of the widows and allowing the practice of infant marriages.

My long experience of forty-three years in the Punjab has clearly shown me the evils which befall the infant union and the results of not allowing the young widows to the second marriage; and I am strongly of opinion that the Government of India by its wise schemes and plans, by calling the assistance of the Local Governments through the native communities and Municipal Commissioners, and these in their turn by the help of the moulvis and pundits (religious people) imbuing these thoughts and expressions into the veins of the people by continually preaching and advising without offending the susceptibilities of the orthodox, may put a stop to such ill-usages and customs in India.

I am fully assured that by the help of native societies and religious persons these ill-usages and customs in the course of time will come to a close in India.

From LINDSAY NEILLE, Esq., C.S., Secretary to the Chief Commissioner, Central Provinces, to the Secretary to the Government of India, Home Department,—No. 593—29, dated Nagpur, the 18th February 1885.

I am directed to reply to your letter No. 39—1511, dated 11th September (and subsequent reminder No. 67, dated 9th January 1885), forwarding papers on "Infant Marriage"

and "Enforced Widowhood" in India by Mr. B. M. Malabari of Bombay, and asking that any observations which the Chief Commissioner may desire to make may be submitted, together with the opinions of any official and unofficial persons who may be consulted by him.

2. A few official and unofficial gentlemen were consulted, but the papers submitted by them are not of sufficient importance to be printed and submitted to Government. It may suffice to state that, officials and unofficials are unanimous in deprecating Government interference in these delicate matters.

The Native gentlemen, both official and unofficial, assert that not a few of Mr. Malabari's statements are exaggerated and sensational; that they are not of universal application; that he fails to correctly estimate the influence which the spread of education has already exercised both on Hindu men and women; and that the remedies and steps proposed by him are ill-considered and are likely, if adopted, to work mischief.

3. Mr. Crosthwaite's view is that nothing can be done by Government in the matter. It is, it seems to him, a purely social question, and must be left to time, and to that change of Hindu opinion which is being slowly brought about by education, and of which Mr. Malabari's own preaching is a notable instance.

If the Native gentlemen who share Mr. Malabari's views regarding the nature of the evils he denounces, although they may differ from him as to the remedies to be adopted, would set to work in a business-like manner to promote female education, they would find themselves nearer to their object.

When a large number of Hindu women are educated, infant marriages and enforced widowhood will disappear.

From E. S. Symes, Esq., C. S., Officiating Secretary to the Chief Commissioner, British Burma, to the Secretary to the Government of India, Home Department,—No. 877-143N., dated Rangoon, 30th September 1884.

I am directed to acknowledge the receipt of your letter No. $\frac{39}{1512}$, dated 11th September, forwarding for remark copies of memoranda by Mr. B. M. Malabari upon—

(1) Infant Marriage in India,

(2) Enforced Widowhood of Hindus.

2. Experience of social life in Burma furnishes no data for discussing the measures which Mr. Malabari advocates. Among the people of Burma, whether Burmese, Karens, or Talaings, we have no infant marriages. Young men and maidens make love and marry, usually with the parents' consent, any time between the ages of 15 and 23 for the maids, and between 17 and 28 for bachelors. Marriages and remarriages also occur between older parties of both sexes. Unions between elderly ladies and young men are almost unknown. But comparatively elderly men on remarriage often take wives much younger than themselves. Occasionally a wealthy old man may take a young girl for his second or third wife. But, though a plurality of wives is allowed, the feeling of respectable Burman society is against a man who takes more than one wife, unless he be a king or some very highly placed personage, or unless his first wife is childless. Among Burman races there is no prohibition against the marriage of widows or of divorced wives.

3. The figures on pages 86 and 91 of Mr. Plowden's Census Report for India bear out what has been said in the foregoing paragraph. They show that the proportion of widows to the total female population is about the same in Burma as it is in Southern Europe, is less than half the corresponding proportion in the rest of the Indian Empire, and is little more than one-third the proportion for the province of Mysore. Whether it be the result of, or whether it be only coincident with, Burma marriage customs, it is a fact to which Indians as well as Europeans who know Burma will testify, that women occupy a happier, a more important, and a more respectable position in social and family life in Burma than they do in India. In Burma 320 females in 10,000 are able to read and write, as compared with 20 per 10,000 among the Hindus of India, and 16 per 10,000 of the Hindus of Bengal. In Burma the number of women in jail are only one per cent. of the total prison population; in the rest of India, according to the most recent returns available, the proportion of female to total prisoners was 5 per cent. Returns of suicides according to sexes for the different provinces of India are not available. But it may be stated that suicides of women are extremely rare and cases of infanticide are almost unknown in Burma, whereas both crimes are unhappily not uncommon in India.

4. These contrasts are drawn not to magnify the merits of the Burmese, but because these satisfactory social phenomena are coincident with, though they may not be wholly due to, the absence of infant marriages and of enforced widowhood among the Burmese. Men and women in India, and social reformers in India, may be encouraged by the experience of their

sisters and brothers on the east of the Bay of Bengal to struggle against those ordinances which do so much to blight social life and family happiness among the upper and middle classes in India.

5. In case any observations are desired from the Chief Commissioner upon the Indian, as distinguished from the Burman side of these questions, I am to submit that Mr. Bernard sympathises most heartily in Mr. Malabari's desire to awaken his countrymen and countrywomen to a wiser and better mind on these important social questions. At the same time it is very difficult and it is inexpedient for Government—especially for an alien Government, whose members profess a foreign faith—to interfere actively in such matters, save at the instance of a majority or of a large section of the peoples concerned. The analogy of the laws against suttee and infanticide is not quite applicable to the present questions. Those were hideous crimes, against the natural sense of mankind. Child marriages and child widowhoods, no doubt, sometimes lead to crime and cause loss of life. But drinking similarly leads to crime, and midwifery as practised by Easterns often causes death. Yet these things are not prescribed by law or put down by State interposition. At present the proportion of respectable Hindus who will actively side with Mr. Malabari is unhappily very small, whatever may be the number of those who in their hearts agree with him. Any Government or police intervention to prevent child marriages or to bring child widows under surveillance, would be regarded by large masses of the population as an encroachment on their religious and personal freedom. Whatever the Shastras may or may not say, the majority of Hindus regard their rules of caste and their marriage laws and customs as more or less connected with their religion. It cannot be doubted but that religion bulks more largely in the daily life of an average Indian villager than in the life of an average Englishman. Whatever reformers and whatever educated folk might think, the average illiterate Hindu, man and woman, would regard Government action in such matters as an invasion of his or her religion. Women, especially the elder and more dominant women, would feel this strongly And it is not impossible that a sentiment of this kind would be fomented by designing ill-wishers of the British Government.

6. Not only would interference in these matters be impolitic for the British Government, but it might tend to set the people against the desired reforms. It might be misinterpreted, and give rise to a reaction among the more conservative sections of the people, especially among the priesthood, against the present slow and gradual progress which the march of affairs is making in these matters. Mr. Malabari's second memorandum shows that he contemplates such a reaction as possible. The only safe way for the Government, and the safest course in the interests of reform itself, is to leave the forces of education, of common sense, of enlightened public opinion, and of natural feeling to work on, as they are now working, against the practices and customs which Mr. Malabari rightly characterises as harmful. The Government and their officers, by their publications, by utterances, and by their demeanour, may usefully show that they are on the side of reformers in these matters. Countenance can be shown, small grants of public money can be made, and local facilities can be given to reforming organizations such as Mr. Malabari describes. But it seems impossible to advocate any of the specific measures which Mr. Malabari asks the Government to adopt. One of the more plausible, in appearance, of these measures would be the debarring of married lads from colleges, from scholarships, and from degrees. But such exclusion, even though made after five years' notice, would be very hard on industrious lads, who, without their own consent, were married by their parents in childhood. Married undergraduates and scholarship-holders are not unknown at our English universities. If such exclusion were made the rule, questions would at once arise whether a betrothal or an unconsummated marriage operated as a bar to studentship.

7. It may seem an impotent conclusion that it is better for the Government to do next to nothing to aid Mr. Malabari and his fellow-workers in accomplishing most useful social reforms. And it is easier to show cause against Mr. Malabari's suggestions than to propose alternative courses of action. Advice against action for an end that is admittedly good is open to the criticism applicable, as Mr. Malabari points out, to all *laissez faire* counsels. But there are questions and occasions on which it is clearly better for the Government to abstain from any action rather than to take action that may have evil results.

8. It may perhaps be doubtful whether infant or early marriages are, as Mr. Malabari suggests, responsible for over-population. Very early marriages are more common among the wealthier classes, the great landholders, and the nobles of India, than amongst the cultivating classes and the poor. Sterile marriages are much more frequent among the former classes, and large families are more often seen among the latter classes. The truth probably is that adult marriages would be more likely to, and actually do, yield larger families than infant marriages. Therefore, in so far as the multiplication of children may cause over-population, this result is due to adult rather than to infant marriages. The circumstance that reproduction occurs more

frequently, and a new generation follows the old more rapidly under a system of infant marriages, does not appreciably affect this position. The census statistics show that among adult-marrying races, such as the people of Burma, and the aboriginal tribes of the Central India uplands, children are more numerous and the increase of population is more rapid than among the infant-marrying races of Mysore, Madras and the Gangetic Doab.

9. It would not tend to morality, and it would be contrary to the sentiments of Indian peoples, for the Government to declare that unmarried candidates would be preferred to married candidates for State employment. Any such rule would be against the common sense of Europeans as well as of Indians.

From E. STACK, Esq., Officiating Secretary to the Chief Commissioner of Assam, to the Secretary to the Government of India, Home Department,—No. 6739, dated Shillong, the 16th October 1884.

I am directed to reply to your No. 39—1573 of the 11th September, regarding the efforts now making by Mr. B. M. Malabari, of Bombay, to combat the evils of infant marriage and enforced widowhood among the Hindu population of India.

2. In the chapter on conjugal condition, in the Assam Census Report of 1881, Assam is described (paragraph 82) as "a young country, comparatively free from the yoke of conventionalities and from the artificial systems of child-marriage and perpetual widowhood;" the statistics alluded to in paragraphs 85 and 89, 91 and 92, do indeed go to prove that even in Assam a dislike to the remarriage of widows prevails with some degree of force, and that child-marriage is by no means unknown; still, on the whole, there is certainly a preponderance of custom in favour of adult marriages, and, to the best of Mr. Elliott's belief, child-marriage finds favour mainly among persons who ape the customs of other provinces, and think they raise themselves in the social scale by adopting the inconveniences to which the older civilisations of Hindustan have subjected themselves. With regard to the remarriage of widows, the additional observation may be made that the customs of the country lend themselves easily to contracts of co-habitation, which, though not formally recognised as marriage, are of a validity scarcely inferior to that of the legal tie.

3. The subjoined quotation from the *Assam News*, an English and Assamese newspaper, published at Gauhati, may be referred to in confirmation of Mr. Elliott's opinion that the evils against which Mr. Malabari's efforts are directed prevail much less extensively in Assam than in the older provinces of India:—

> We have received a paper from Mr. Berhamji M. Malabari, of Bombay, containing his Notes on infant marriage and enforced widowhood, as well as suggestions for the suppression of the evils. We heartily sympathise with the suggestions made. We are, however, happy to say that the evils spoken of do not prevail to so large an extent in Assam as in other parts of India. The remarriage of widows is not in vogue among the Brahmans only. Those of all other castes remarry freely whenever they choose, while the austerities practised even by our Brahman widows, who are not allowed to remarry, are not half so severe as those which widows of any caste are obliged to undergo in other parts of India. The Assamese widows are free to eat and drink anything not forbidden to Hindus, except fish and flesh, and the observance of *Ekadashi*, which is the bane of the lives of widows in Bengal, is quite optional with those of our country.
>
> As regards the infant marriage, it is almost unknown in the Assam Valley. No girl of any other caste than Brahman is married before she arrives at the age of puberty, and even Brahman girls are seldom disposed of in marriage while under 12 years of age. Assam may, therefore, be said to be almost wholly free from the evils alluded to.

4. The tendency of opinion among the educated classes in this province is in favour of adult marriages, and any movement in that direction in Bengal will be felt strongly in Assam also. The reform is one that, in the Chief Commissioner's opinion, must originate with the Hindus themselves. It lies outside the sphere of Government action, and the means which must be looked to for accomplishing it are the exertions and good example of enlightened members of the Hindu community.

From Colonel T. J. CLARKE, Officiating Chief Commissioner of Coorg, to the Secretary to the Government of India, Home Department,—No. 1306-184, dated Bangalore, the 5th January 1885.

I have the honour to acknowledge the receipt of your letter, No. 39—1574, dated 11th September last, forwarding, for information and for such observations as I may wish to make, copy of Mr. Malabari's papers on Infant Marriage and Enforced Widowhood.

2. I find it stated in a small Manual entitled "Coorg Civil Law," published in 1871, that, while in former days among the Coorgs no girl was given in marriage till she had attained the age of puberty, this rule or custom had in recent years become relaxed, and occasionally marriages of girls of 8 years of age, but not less, have been allowed. This statement is confirmed by the Commissioner of Coorg, who has reported that, while adult marriages

prevail generally among the Coorgs and the Gowdas of North Coorg, this practice of infant marriage "has come into vogue within the last 40 years, chiefly to secure a certain provision for daughters," and there is the further reason that the Coorgs have not been superior to the temptation of following the example set by the Brahmins, Rajputs and other caste races who have come to settle among them in increasing numbers.

It is difficult to see what remedy can be applied to a custom which is of universal prevalence, and which, moreover, has a religious sanction. The interference of the State in such a matter would, I cannot but think, be mischievous, nor do I think that such indirect measures as Mr. Malabari proposes, in order to discourage the practice among students at our colleges and schools, would be of any practical value. While the evil, so far at least as it arises in allowing the consummation of marriages at too early an age, is acknowledged almost universally among educated Natives, it is not too much, I submit, to hope that they will in time find means to check and even repress it by associating themselves together for such an object.

4. The evil of child marriages is of a still more serious character when viewed in connection with the second subject treated of, *viz.*, enforced widowhood. On this point it is not quite clear what practical form Mr. Malabari would propose that the interference of the Government should take. Act XV. of 1856 has removed all legal disabilities from the remarriage of Hindu widows; and it is admitted that the enactment has remained "a dead letter." It would be as repugnant to our policy as to the sentiments of the people that the Government should interpose, so far as "to ascertain in suspected cases, whether a widow has adopted perpetual seclusion voluntarily, or whether it has been forced upon her." The reform can only be enforced by the preponderating weight of influence which the leading men in the country, when associated for such a purpose, would bring to bear upon that large section of Hindus who are too timid or too indifferent to move in the matter.

From J. G. CORDERY, Esq., M.A., C.S., Resident at Hyderabad, to the Secretary to the Government of India, Home Department,—No. 308-G., dated 13th August 18 85.

In reply to your No. 39—1515 of the 11th September last, I have the honour to forward 20 printed copies of the opinions expressed by various Hindu gentlemen in the Hyderabad Assigned Districts upon the proposals of Mr. B. M. Malabari for the prevention of infant marriages and enforced widowhood in India.

2. The European officers consulted are unanimous in deprecating any legislation on the subject, and in leaving any reform to the change of sentiment and opinion which will gradually be introduced by the spread of education.

3. The weight of native opinion is on the same side, even amongst men who may be held to represent the advanced school of Hindus. The papers have been printed *in extenso*, and without correction, as being interesting in themselves, and as exhibiting the present stage of feeling on the subject amongst the Mahrattas of Berar. Nos. V. and VI. will best repay perusal, and No. X. will show that the subject is one which is somewhat warmly debated in the country.

4. I concur in the view that the State cannot, with any practically beneficial effect, go further than it went when it secured to widows legal liberty of remarriage and legitimatized the offspring of such second marriages.

The evil caused by the institution of the "*Pardah*" is probably attended with far more general and more widely-reaching evils than the social restriction against the remarriage of a widow, which is confined to a comparatively small section of women. But, beyond according a legal permission to the violation of such injurious customs by any women who may desire to break them, Government can hardly proceed, without engaging in an unequal conflict with social prejudice. The victims themselves have no desire to be relieved of what they have been bred to believe is a badge of distinction, and they are supported in this view by the whole atmosphere of public opinion in which they live. When in any exceptional case a widow desires to leave her seclusion and counts the cost of braving the censure of her friends, she can do so under the law as it now stands. In all other cases, it is the root of the evil which must be attacked; and this can only be effected by the gradual and sapping operation of the wider diffusion of intelligence.

5. Apart from this question of early widowhood, it may well be doubted whether the present system by which betrothals of children are arranged at an early age by their parents, is not well suited to the present status and character of the people taken as a whole, and especially to the masses of the agricultural villages. The obligation of the tie makes the honour of the child respected by others, and by no means necessarily leads to any premature consummation by the husband for whom she is safely reserved. It is of course true that, as in many other coun-

tries, the parties to the contract have little or nothing to say to their selection of each other. But could the principle of free choice be wisely advocated or safely introduced in a country where physical capacity for sexual intercourse exists at so early an age? The question is one beset with difficulties, for which he would be a bold man who could be confident that the people themselves had not found the best solution. At any rate, it appears to me manifestly no subject for prohibitive legislation.

From Lieut.-Colonel H. C. A. SZCZEPANSKI, Deputy Commissioner, Wun District, to the Commissioner, Hyderabad Assigned Districts,—No. $\frac{\text{General 330,}}{\text{Departmental 95,}}$ dated Yeotmal, 17th February 1885.

With reference to your office No. 8546, dated 27th November 1884, forwarding Mr. Malabari's "Notes on Infant Marriage and Enforced Widowhood," and calling for opinion on the subject, I have the honour to state that those I have consulted agree with me that these are matters which do not called for Government interference, far less legislation.

2. There may be objections to infant marriages; but there are also advantages. The system suits the country, and the late census shows that the results are sufficiently satisfactory as far as population is concerned; the various races are not deteriorating, every woman is to a certain extent provided for, although in consequence there are many virgin widows. Yet, on the other hand, if it were not for these infant marriages, there would be many unmarried females, and the result from a moral point of view would probably be worse.

3. There is a tendency already to increase the age at which these marriages take place. The limit, I understand, used to be 8 years, and is now 11. This, no doubt, will be further increased as education, particularly female education, spreads.

4. In the present state of female bringing-up and debasement, it would be unsafe to leave girls after a certain age without legitimate means of fulfilling what to their understanding is the aim and object of their lives.

5. As regards widowhood it is only enforced amongst Brahmins and the higher castes. The general opinion is that the rule should be so far relaxed as to allow the remarriage of virgin widows.

6. The argument is that child-widows are suffering for some grave misconduct in a previous existence which can only be expiated by meritorious conduct in this—such as remaining a widow; but as men do not suffer in any similar way, and are allowed to marry again, it is, as a Native described it, like a cart with only one wheel.

7. Any reform in this matter must, however, originate with the "shunkerachari" or priest of the Brahmins. It must have the sanction of religion which will, no doubt, be obtained when the public opinion of those concerned is sufficiently strong to demand it.

Opinions expressed by various Hindu gentlemen in the Hyderabad Assigned Districts upon the proposals of MR. B. M. MALABARI *for the prevention of Infant Marriages and Enforced Widowhood.*

I.

Opinion of MR. BAPUJI HARI, *Head Clerk, Office of the Deputy Commissioner, Buldana, dated 13th December 1884.*

I am glad that Mr. Malabari's note on "Infant Marriage and Enforced Widowhood" has afforded me an opportunity of revealing my sentiments which I have all along entertained on the subject.

*"Infant Marriage"**

Is decidedly an evil, and should not only be discouraged, but prohibited by the iron hand of law. Much writing and much discussion will not do, because I have heard many essays read and many meetings held against its continuance, and yet I see the old trodden path taken by thousands of the inhabitants of India. People will not forsake their old customs, though pernicious they be for themselves and their progeny. How preposterous the idea to think of an infant male child wedded to a still more infant female child, when each is hardly out of its swaddling clothes, and when perhaps they have not crossed the dangerous rivers of infantile disorders which threaten their lives at every rock they encounter.

It is now time enough for the parental Government and the benignant law to come forward and save the foolish people from losses which they sustain by following their old

* N. B.—A male should be married at any time after the age of 16, and the female after 10 years, in India.

customs in this particular. Infant marriages should be made penal, and persons found guilty of disobedience should be made an example of. Persuasive measures will not do; mere essay-writing or assembling of committees will not root out the evil; mere discouragement by indirect means, as Mr. Malabari suggests, will not effect the object; and mere lectures will be forgotten no sooner than heard.

Government have put down *suttee*, infanticide, slavery, and many other evils; and it will be conferring blessings on India if this infant marriage custom was put down too.

Closely connected with this evil is another formidable evil, and it passes under the head of

"Enforced Widowhood."

Wedded to a child hardly capable of taking care of itself, a female child, in a hundred cases out of 500, becomes a widow. She does not in many instances know whether she was ever married. She does not even realize the loss she has sustained in the death of her boy-husband. She does not comprehend the meaning of the restrictions and privations, the usual lot of a Hindu widow, to which she is subjected. She does not comprehend the evil she has committed for which she is made to suffer all the rigors of widowhood. Her restrictions and privations grow more and more as she advances towards the dangerous state of widowed womanhood. Once at that age, and there is fear of fall, and what is the consequence of that fall but misery, imprisonment, or untimely death. Shame is more formidable than death, it causes even the ill-gotten child to be thrown away or disposed of in the way best known to a young Hindu widow.

All these evils proceed from the evil and pernicious custom of early marriage. Prevention is better than cure. If infant marriage is stopped, the large number of India's widows will be diminished.

I do not mean to say that there are no widows in those countries where infant marriage is never dreamt of. All I mean to say is that there are more young widows in India than in all other countries put together. India's widows are made martyrs, while widows in other countries are pitied and prayed for. Here they are shunned by their own kith and kin; there they are looked upon as objects of compassion. And all this for no fault of theirs. They are married in infancy, and when unfortunate in losing their husbands are loaded with all sorts of misery, sufferings, and pain.

The remedy in this case also lies with the parental Government. Let each widow get remarried if she willeth; let no one hinder her from contracting an honourable marriage; let no parent, brother, or relations threaten her with expulsion if she wishes to get herself married. Law should stretch its hand to avenge the wrong inflicted on a widow, and protect her from the persecution of her tormentors.

My opinion is thus briefly expressed that—prohibit infant marriage and allow widows to remarry by an Act of legislature.

II.

From Mr. Luxmon G. Rishi, Deputy Educational Inspector, Basim District, to the Deputy Commissioner, Basim District,—No. 422, dated Basim, the 25th December 1884.

With reference to your Memo. No. 4256, dated 5th instant, forwarding copy of Mr. Malabari's notes on "Infant Marriage" and "Enforced Widowhood" among the Hindus, I beg to state that I fully endorse the philanthropic views and suggestions of the learned gentleman in the main, though there are certain points in his notes from which I widely differ from him. At the beginning of his note on "infant marriage," Mr. Malabari goes on to assert that "Hindu parents have to make the Hobson's choice of it: to accept the first boy or girl available, or to buy one who comes the cheapest," &c. This is not exactly the case. Hindu parents do not generally knowingly hurl their girls headlong into life-long misery, nor do they connive at the "physical defect or moral taint on one side or the other" before settling the marriage contract. As a fact, they take every precaution which their parental care dictates; examine the boy and girl physically, and ascertain whether they would be an equal match; institute enquiries into the respectability of the family to which the boy or girl belongs, and the relationship it bears by blood and marriage to other families; and when they are satisfied with each and all, or at least the majority of these points of consideration, they come to terms and the marriage takes place. It is a fact, however, that to secure a boy possessing the above qualifications, the parents of the girl, if they could afford, pay large sums called हुंडा to the boy's parents for accepting the girl. It is equally true that some greedy parents sacrifice their daughter for the sake of filling in their pockets,

and give her in marriage to one who is many years older than herself, and who, to all appearances, would, by his age, be considered her father or grandfather. This is certainly abominable, and must be checked, even if it were necessary to resort to legislation.

2. Infant marriage, especially of the girl,—for a man can marry at any age,—is not enjoined by Hindu religion; and the Hindu girls of Northern India, nay, even the high caste Brahmin girls on that side, grow to the age of 20 or 30 before they are married, or lead a life of celibacy till they are fit for the graw; and no priestly class puts them or their parents under the ban of excommunication. If the *Shastras* enforce marriage proper on a girl when she is 12 years of age, or at least before she sees her menses, why, as stated above, the Hindu girls of Northern India and their parents are not excommunicated? The Hindu priesthood, if it likes, can interpret some of the dictates of *Shastras*, and make exceptions of them in such a way as to suit the changed circumstances of the times; and it is but proper that it should think of doing so at this stage of our civilization, and work with the foremost of us for general amelioration in this respect. It is, however, most desirable that at least no girl under the age of 12, and no boy under 18 or 20 should be married.

3. Among the many measures suggested by Mr. Malabari to secure this object, I would insert one more which would afford a fatal blow to the practice of infant marriage among us. It may be enacted, if necessary, that parents wishing to marry their daughter below the age of 12 should deposit in the Government Treasury a certain sum in her name and for her exclusive use that would pay an interest sufficient for her maintenance in after-life in case she becomes a widow. This would act as a powerful deterrent to the practice of infant marriage. In the same manner no parents or guardians should marry a girl to an old man, or to one who is decidedly far advanced in age, or where great disparity of ages exists between the would-be couple; but should they wish to do so, the parents or guardians, as being the sacrificers of the unfortunate girl, should be obliged to make a provision similar to the one suggested above For the money which the old man wishing to marry the girl would pay to her parents as her price will scarcely see the light of day. The payment will be made secretly, and scarcely any one would know what is paid; and the object of Mr. Malabari's suggestion that "the money, received from the bridegroom, the price of the girl disposed of, is not to belong to the seller, &c.," will hardly be secured. The settling of a marriage contract of this nature greatly depends upon the consent of the parents or guardians of the girl, and they should be held responsible rather than any one else.

4. The objectionable form of marriage referred to in the concluding portion of Mr. Malabari's note No. I. obtains nowhere except among Hindus of Northern India who keep the *zenana* system. Among them the girl cannot be seen by the parents or relatives of the boy, the would-be husband of the girl: and if the boy be the son of a well-to-do person, the parents of the girl purposely conceal her real age to secure the match, and a well-organized father-in-law's house (सासर) for her, no matter if she be older than the boy. I have heard of matches effected in which the bride was 2C and the bridegroom 12 years of age among these people, who are commonly known as pardeshis on this side of India. But such cases are of rare occurrence. When the limit of age for the marriage of a boy is fixed at 18 or 20, the evil of this system could be greatly averted.

5. As regards enforced widowhood, the evils incident to such a custom are too patent to demand any more demonstration than what has already been made in Mr. Malabari's note No. II. The magnitude of the evil is present to every educated Hindu mind; and every Hindu reformer, nay even some of the orthodox ones, cherish a desire to see widows remarried; but any interference on the part of Government in this respect would be quite unwelcome. Mr. Malabari advocates "the interposition of authority to a small extent" and suggests some rules; and yet he says "we must move with the times, carrying the people with us," presumably, of course, not by force. If people are not to be led by force, what necessity for interference even to a small extent? The present state of Hindus as a nation advances hopes in the immediate future that the leaders of our society, who have already commenced the reform, though to a very limited extent, will be able to reach to the consummation of their cherished object as times roll on and education spreads among us. If the British Government wishes to redeem its pledge given in the Queen's Proclamation, the best way would be to keep perfect neutrality in this respect, and allow the people to carry on the reform themselves. Education has gone a great way in loosening the ties of custom of every kind; and a further spread of it will work wonders in time. Besides the measures suggested in regard to checking the practice of infant marriage, and which I for one would see adopted, as they are in no way revolting to the religious feelings even of the orthodox Hindus, would greatly minimize the number of widows. They would administer a radical cure, and would dispense with Government interference in

the remarriage question. Let Government adopt measures to any extent to check infant marriage as well as the other forms of marriage prevalent among us, and fix the limit of age for the marriage of man and woman as suggested above, leaving the Hindu society to look to the question of remarriage of widows itself; and that will be quite enough for the present and at this stage of reforms among us.

III.

From Mr. NARAYAN PRABHAKER PARASPE, Head Master, Anglo-Vernacular School, Raja Deulgaon, to the Deputy Commissioner, Buldana District,—dated 1st January 1885.

In obedience to your most esteemed note of the 15th ultimo, I respectfully beg to make a few observations on Mr. Malabari's notes on "Infant Marriage and Enforced Widowhood in India."

Infant marriage in practice is certainly an evil, and consequently it is very desirable that measures should be taken to remedy it; but it would not be justifiable if Government should interfere in the matter. The principal thing why British rule in India has become so extensive, firm, and amiable, is that it has acted upon a principle which allowed freedom of religion and trade. The present subject embraces religion and social rules. I do not know, therefore, how far it would be reasonable and agreeable to the principle of the Western civilization to think of mitigating the serious evils arising from the several forms of marriage prevailing throughout India, especially amongst Hindus, by considering the present practice as illegal, and thereby punishable under a certain section of the Indian Penal Code or some other Code. Social and religious things amongst Hindus are closely connected, and the State interference in these matters will offend the native community of the old school.

The early marrige system is very old, and it has, therefore, become so strong that a slight change in it will be looked upon as an insult. Mr. Malabari says "he is not for violent interference by the State, or for abrupt reforms from among the people themselves." And he again proposes four rules in the 5th page of his notes, the last of which is that the priest shall have no right to excommunicate the relations and connections of the parties contracting second marriage. Who will consider this recommendation to be a quiet and peaceful interference?

My humble opinion is that the reform must be left to the discretion of the leaders of those societies among whom the evil exists. In fact the reforms which have religious concerns should be voluntary, and then only they serve good ends. The measures proposed by Mr. Malabari to be adopted are untimely. It will take a very long time before the reforms of a religious nature can be accomplished by the young reformers who so keenly feel for their countrymen or the caste brethren. It is very easy to feel a difficulty of a thing, but to contemplate a plan of its removal is hard, and to bring in force abruptly the plan in contemplation is still harder, or sometimes impracticable. The remarriage of my own sister, who was deprived of her first husband when she was only 11 or 12 years old, has given me sufficient experience of the persecution of excommunication and of the influence of the religious authorities. The so-called civilized or Europeanized Hindus (I am one of them) are very small in number in proportion to those in favour of the old customs and manners, and the former carry little influence over the latter. Hence they always fail in removing the prejudices of the masses. What best the reformers can do under the existing circumstances is that they should keep up their energies and devote their attention to the mental culture of the Hindu mind; promote morality in particular; and when sufficient moral courage is gained, and a portion of the old bigotry disappeared, it will be the proper time for reformers to bring social reforms into practice.

It is true that a boy if married before 12 is prevented from prosecuting his studies just four or five years after the wedding when the girl generally becomes a woman. It will, at the same time, be admitted that native boys feel a desire for sensual enjoyment at the age of 17. When a boy exceeds the 17th or 18th year without means of enjoying carnal pleasure, he is driven to practise an unnatural way of satisfying his desires for sexual congress. The means adopted by the boys are the most detrimental to their health. The most pernicious habit I speak of is very common among the school-boys and the college students. The girl, too, is supposed to get the menses from 12 to 16, the first and the last years being rare cases of the first appearance of the menses. Under these circumstances, I may be permitted to say that Mr. Malabari's suggestion to keep the girl for four years at her parents' after her first menstruation, can hardly be carried out with advantage. If a girl, especially a Brahmin girl, remain as virgin when she has menstruated, no one will accept her for a wife, and the consequences would be such as to render her life single. Similar difficulties are not found among the Mahrattas and other classes of Hindus, and their girls can be allowed to remain unmarried until they are full grown; but here, too, I am not for State interference.

I agree with Mr. Malabari in proposing the establishment of a national association for promoting the social condition of Hindus. I think district institutions composed of selected men from all societies may be started for the practical social reform. In them the subject of early marriage and that of the widow should be discussed, and the results made known to all concerned. By degrees the people will begin to appreciate the usefulness and the necessity of a social reform. The national association may be presided over by State agencies to afford facilities. These social functions will then soon flourish, and secure the confidence of the old and the young.

IV.

From Mr. GABU SING, Special Magistrate, Akot, to the Deputy Commissioner, Akola District,—dated 12th January 1885.

In reply to your office No. 2034, dated the 10th December last, I beg to state that Mr. Malabari's notes on "Infant Marriage and Enforced Widowhood" are really worth paying attention to, and his earnestness in getting both the pernicious customs amongst the Hindus suppressed as early as possible is laudable at this stage of advancement in civilization in India. My humble opinions on the subject so copiously treated by the said gentleman are as follows :—

It can easily be ascertained that to depend upon national associations for the required reforms would simply be wasting of our time and energy in vain pursuits. State help, therefore, appears to be necessary to bring about the changes in due time. As long as Government is exerting its powers to increase the happiness of its subjects, it can hardly be said that its ruling, intended for simply social reform, and that too at the request of people themselves, would purely be a religious interference and do any harm than good.

Infant marriage.—As a trial of spiritual reform in support of which no penalty other than such as would involve only pecuniary loss may be inflicted on the party in fault, it should be enacted that the marriages of Hindu girls should be legally registered, making the contracts under the age 11 and 18 of the bride and bridegroom respectively objectionable, while the unregistered ones not only invalid, but subject to some heavy fine.

The marriage of a girl with a man above the age of 40 should also be made subject to the production of health certificate from licensed medical officers, in addition to the deposition of at least 2,000 Rs. worth of estate, in favour of the bride, distinctly apart from any claims of her relations during her life-time.

Enforced widowhood.—As for widowhood amongst the Hindus, I think there is scarcely any better way to salvation than seclusion for women who do really lead a pious life in surviving their husbands; and my opinion is therefore not to reject the mode of widowhood altogether, but to assist such girls as are of tender age, and upon whom the present custom of widowhood sallies like a lion on his beast of prey.

Government should therefore rule that girls under the age of 18 or 20, and without a male issue, should not be kept in widowhood for more than two years, except on special reasons and so on.

With my best wishes for Mr. Malabari's success in the undertaking.

V.

Views of Mr. VISHNU MORLESHWAR MAHAJANI, M.A., Officiating Head Master, High School, Akola, on Mr. Malabari's Two Notes on "Infant Marriage" and "Enforced Widowhood,"—dated Akola, 22nd January 1885.

(I.)

I have read Mr. Malabari's notes carefully. Most of the evils pointed out by him as proceeding from infant marriage and enforced widowhood, though probably they are a little exaggerated, *do* exist; and the question is how to mitigate them. Leaving aside the effects of ill-sorted infant marriage, which takes place in exceptional circumstances, infant marriage does often entail enforced widowhood, and if not from any other consideration, at least to save a very large number of girls from this unmerited and miserable lot, the limit of marriageable age should be raised. But by whom, is the question? Mr. Malabari does not go so far as to say that a legal ban should be placed upon marriages of minors, but some others do. Mr. Malabari would propose that the University should shut its doors upon married students and that the Departments should, in the bestowal of places, give preference to bachelors. The wisdom of both these suggestions is doubtful. While every religious test has been abolished in all English Universities, as tending to limit their usefulness, Indian Universities will hardly dare impose a celibacy test upon

those who seek admission into it. If any University were to propose introducing such a measure, it would forget its proper function, however laudable its motive might be. If such a proposal were adopted, the University would confirm the prejudices of the ignorant classes, who more than others require to be brought under its influence. Nor has the passion for knowledge become so consuming among them as to defy the tyranny of caste or custom. The same objection may be raised to any State department ruling that all things being equal, preference would be given to unmarried candidates. Any restriction other than that of qualification for service would only tend to limit the field of selection, and few Departments will, I believe, consent to impose it.

2. As to the graduates and others forming an association and taking a pledge not to marry under a certain age—another of Mr. Malabari's suggestions—I have only to say most of the graduates have long since been married, and a few of them have children. It were another thing if the graduates formed an association and pledged not to marry their children under a certain age, which I would propose for the present for girls 11 years and for boys 17 years (complete). If such an association were large enough there would be no difficulty in carrying out its object.

3. What at present prevents educated classes from acting up to their wishes is that they have not a sufficiently large following *among their own caste*. But the greatest and the strongest obstacle brought against their efforts is brought at home. Home is at present the centre of blind conservatism, and whatever efforts the educated Natives might do to bring about social reforms, they are thwarted from day to day by women and elderly persons. So long as therefore the wife has not become the real helpmate of her husband, so long as her mind is tied down by rules of immemorial custom, Hindu society cannot hope to move at a more rapid rate than we have hitherto done. Some of our English friends take the educated young men to task for not carrying out the first and the greatest of reforms, *i.e.*, those at home, and disappointed to see that they still observe practices which they profess to condemn, are led to think that their young friends are no better than a set of hypocrites, or, at the best, as persons that have no courage of their convictions. But outsiders know not what a life of daily trouble the educated Natives lead at home—always arguing with their wife, with their aunts, with their father, or uncles—always seemingly convincing them, but always meeting with the stock objection, "Our ancestors were wiser than we." It should not therefore be supposed that these reformers have always been defeated. While they yielded much, the old party had to yield a little; and already we see in twenty-five years an advance in the marriageable ages of girls and boys from 8 to 10 and from 13 to 16 respectively. This does not refer to Berar, where the movement has scarcely begun. I am here referring to Poona and other similar districts of which I have personal knowledge. If in twenty-five years the educated agency has done so much, why should it not be trusted to bring about another advance from 10 to 12 and 16 to 18 in the next twenty-five years. By that time, too, some more progress shall have been made in the education of our women as efforts are now made on all sides in that direction. Witness the establishment of a high class school at Poona, and the interest taken in every town and large village in the cause of female education. When the girls educated in these schools will become wives we shall have a right to expect they will cordially help their husbands in bringing about social reforms.

4. But, say the advocates of State legislation, Why defer the reform! Why not do away with the evil at once! Why allow it to work mischief so long? Is there no danger lest the Indians in the meanwhile suffer a permanent deterioration in physique?

5. Now the objections to State interference are:

First, there must be a limit to it somewhere. Because Government have abolished infanticide or *suttee,* it is no argument to say it has a right to abolish child marriage because it is a serious evil, or even a more serious evil than others it has suppressed. There are many serious evils besides this, *e.g.*, drunkenness, lying, poverty, and no Government would think in these days of attempting to cure them by legislation. They must be left to the people themselves.

Secondly.—All social evils to be removed permanently should be removed slowly, and this can only take place when they are allowed to be removed by public opinion which grows with the growth of education. Any sudden action affecting the existing prejudices of a whole people is likely to give rise to greater evils than it seeks to cure.

Thirdly.—We have no facts to warrant us in saying that if the reform be delayed, a permanent deterioration in physique will take place. Besides, whatever danger there is, it does not proceed from infant marriage, but from the early consummation of that marriage. But this the State cannot prevent, even if it rules that a girl under 12, which is the lowest limit that can now be fixed, cannot be married. For the girl reaches the age of puberty at

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the age of 13 or 14, and custom directs that the consummation should take place soon after Her home education, her surroundings, the talk among women, her sports, the proud celebration of the religious ceremonies attending the consummation, all work upon the imagination of the poor girl and given an unnatural stimulus to her passion, which is certainly mischievous. A girl as soon as the consummation takes place receives benedictions from old women and from priests, "Be you soon a mother of eight sons;" and until she becomes a mother, she has very little respect in the family. Her parents do not dine at her husband's until she gets a son. Under these circumstances it is no wonder that the consummation should take place at an age too early for her physiologically to become a mother. The evil consequences of this in the breaking down of constitution, giving up of the studies of the boy, and the ushering in of diseases and sickly children we do not ignore; and we have been making constant efforts to mitigate them. These it is obvious, no State legislation will prevent, unless public opinion is brought to bear on them. My view in short is this: if public opinion is strong, State legislation is unnecessary; if it is weak, State legislation is powerless. But in the latter case it is worse than powerless. All that the Government should do is to indirectly help the movement forward: and, provided the aid does not assume the form of any restriction, it will be welcomed by a large section of the community. In this direction, district and other high officers can do much if they gain the confidence of the leaders of the native society.

6. I am not, however, a let-alone-ist, if by let-alone-ist is meant one who is content to be driven by the course of things. We must make efforts, and we do make efforts. We must form associations, and if we get the sympathy of our English friends so much the better. But what I would most strongly object to is Government interference *against* our wishes. For that it comes to in the end. There is no doubt that the educated classes *do* desire a reform in the direction of raising the limit of marriageable ages, and that *some* of them are prepared to advocate State legislation, though they differ much as to what shape that should assume; whether it should make marriage of minors a penal offence—or declare it simply illegal during minority—leaving the option to the bride and the bridegroom when they come of age to abide by it—(what the evil consequence of such a piece of legislation would be, it would be hard to imagine), or whether it should impose a heavy and deterrent license fee on such marriages, or whether it should compel parents of minors to feel the responsibility of what they do and make them deposit in the joint names of the bride and the bridegroom tolerably large sums of money, of which the latter should become masters when they reach a certain age (which last two shapes are the least mischievous in my opinion). But some are totally opposed to any such measure, because Government, in their opinion, would be going out of their proper sphere,—there is no knowing what mischiefs legislation would perpetrate—it would imply more faith in the honesty of Subordinate Government agency than is warranted by facts;—because the majority of the people, *i.e.*, outside the pale of educated classes, have not yet begun to recognise the evils of the practice and may resent Government interference in the most susceptible of their religious feelings—for the practice has to them a religious sanction;—because it is not desirable that the educated classes who already are alienated by their sympathies and education from the majority of their countrymen should be still more alienated by their joining in league with Government apparently *to destroy their religion*—and thus ensure their permanent helplessness in carrying out reforms from within, and a perpetual dependence and looking up to Government for everything they wish to do. No, the society must rely on itself, its leaders must bring round to their views their ignorant countrymen, and carry out reforms without the aid of Government. Otherwise they shall have no strength of their own. The task is not impossible: only they must organise, and they can organise. Let not Government therefore be led away by the representations of a section of the educated Natives who do not represent the views of even the whole of that class, much less of the bulk of the people, to enact a piece of *legislation of doubtful efficacy and positive mischief.*

7. Of the two most objectionable forms of infant marriage which Mr. Malabari has noticed, *i.e.*, of a young girl with an old man and of a grown-up girl with a boy younger than herself, the second is pernicious; but I do not know how it can be prevented. It does not prevail in Mahareshtra; but, I learn, prevails in certain limited castes in Guzerat. As often the ill-sorted marriages are held for want of boys of proper ages, as for the illicit purpose mentioned by Mr. Malabari, and it would be hard for Government to distinguish between the two cases. The surest and safest remedy is to expose the practice of such marriages. Just as the exposure of the malpractices of the Maharajas by the late Karasandas Muljee sounded their death knell, even so, exposure would put a stop to such marriages. As regards the proposal of Mr. Malabari to invest in the name of the girl the sum paid to her parents as an inducement to give her away to a rich man of 60 or so, all I have to say is those who give and those who receive will not avow it; and no Govern-

ment can prevent the old man from indirectly helping his new poor relations, which is all they want.

(II.)

8. The picture of the evils of enforced widowhood drawn by Mr. Malabari in his second note is, I must confess, but too true. But the society has not remained blind to the evils; associations have been formed to encourage marriages of girls whose husbands have died early—a small number of such widow marriages has taken place in Bengal Bombay and Madras, and every year the associations are gaining more adherents. The terrors of excommunication have ceased to have much weight, and already relatives of married couples have been allowed to dine with other persons. The influence of the priest is overrated by Mr. Malabari. It is not the priest who is a tyrant, but the whole caste. The bulk of the people follow immemorial custom rather than the priest. The other day one of the Shankarachryas—the Pope of the Hindus—moved by some of the new reformers ruled that the *Shastras* were not opposed to intermarriages among certain sub-castes of Brahmins, and yet few people have availed themselves of this liberty. Why? Because they fear that if they intermarry their children would be looked upon, to borrow an expression from natural history, as "cross-breeds," and they would not then have as large a field for selection as they now have. But the influence of caste, powerful as it is, is lessening, and here, too, we must trust to educated agency. Mr. Malabari fears a reaction. I have no such fears. The people have begun to sympathise with the poor widow, and already in many families that do not yet dare marry their widowed daughters or daughters-in-law, the girl-widow is treated with greater consideration and kindness than she was at one time. Government have done what it could. The widow has only to realize her position, and the education we have been giving to girls will directly and indirectly prepare her to do so. Cases of widowed girls leaving the home of their father with a view to remarriage and proving the inability of their parents to bring them back under compulsion, show in what direction society has been moving. Willingly or unwillingly old people have to put up with the turn things are taking. They say it is the "*Kali Yuga*," and resign themselves to it. A new generation is springing up with new hopes and new associations, and surely and silently the child-widow shall disappear. Already the marriageable age of a girl has been advanced from eight to ten, and this will reduce to that extent the number of child-widows. It will be still further reduced when the age shall have advanced in a few years from 10 to 12. In the meantime widow marriages are increasing, and there will be soon no difficulty in marrying girls whose husbands die between their ages of 12 and 20, if they choose to remarry. A remarriage by a woman after 20, who has had intercourse with her first husband and has children by him, will, of course, be looked upon with certain disfavour, as it is in other countries where widow marriage is allowed; but a further movement we must leave to future generations. If we accomplish this, say, within the next twenty-five or thirty years—as we trust we shall—we shall not have moved slowly, in my opinion. I have hopes in my own people, and am loth to call in the aid of Government. I have faith in education, I have faith in educated agency when it is well organised and sustained by united efforts, I have faith in the contagiousness of example, and more I do not want. Let Government officers give us moral support, if they will, sympathise with us when we fight with ignorant masses on the one hand, and old people on the other, and we shall conquer. Perhaps the victory may not be won in our life-time, but our children will take up the cause where we left it, and having made some advance themselves will leave it to their children to be taken up in the same manner. We want this continuity of progress, this silent, though inevitable change *from within*; no revolution *from without*, and least of all by *force*.

VI.

Memo. by MR. SHRIKRISHNA NARHAR, Extra Assistant Commissioner, Ellichpur,—dated 29th January 1885.

I have read and carefully considered the notes of Mr. Malabari on "Infant Marriage," and what he chooses to call "Enforced Widowhood" in India, and come to the conclusion that he, in more cases than one, elevates stray consequences of individual actions into social evils, and all through proposes remedies which are worse than the diseases themselves. Not being himself a Hindu, he fails to look at the problem from their point of view.

In his first note on Infant Marriage, the picture of Hindu married life is too deeply coloured when its average consequences are delineated. "A too early consummation of the nuptial troth, says he "the breaking down of constitution and the ushering in of disease" follow, and goes on to point out that this leads to the abandoning of studies by the young, birth of sickly children, proverty and dependence. As a matter of fact, however, though the

ceremonious portion of the marriage takes place early, the actual consummation never, or very seldom is allowed, before the pair attain full maturity; and to this purpose the ceremony constituting it is deferred two, and in some cases four, years after one of the parties has grown up to allow the other to complete his years of non-age. As to the giving up of studies we all know that our schools and colleges are filled in a very large proportion, if not entirely, with married students, and quite a fair number of them take their degrees in the ordinary way and their number is daily increasing. If it was not large enough until now, it was so not because the custom of early marriage prevented them from prosecuting their studies, but because a general love of learning had not grown up and its beneficial effects were unknown. Other deterring causes there are and must exist in every society.

Mr. Malabari disposes of the religious aspect of the question in paragraph 4 very summarily in one sentence, and I do not write anything about it here, because in speaking of the widow marriage I shall have to state it at some length.

He then proceeds to suggest three indirect modes of discouraging the evil custom of early marriage by proposing that graduates and other students of the University should form associations with a vow not to marry early. Next, that married students should not be eligible for the University Degrees, and lastly that Government patronage should be bestowed on bachelors. Of these the first is perfectly harmless, and the younger generations addressed will take their own counsel.

The second proposal is open to a very grave objection. It visits the sins of the father upon the head of the son. Suppose a father is illiterate and attached to his own ways (as it is likely to be but too common for some years to come) and he gets his son married in spite of the University regulation. Is this to blast all the future prospects of the son? If so, the reform is not surely worth having. Further, this proposal ignores a large class of aspiring students who by accidents of birth or otherwise, being not compelled to work for their bread, desire a degree only as an ornament useful in afterlife. To such people the doors of the University will be for ever closed, and the educational promptings in their hearts considerably reduced by the somewhat hard and monastic condition of celibacy.

The third proposal is still further objectionable. It will require the public officers to do exactly what they never ought to. Mr. Malabari thinks that when there are two candidates of equal qualifications for a post, he should prefer the one who is unmarried. Now a married man is, for obvious reasons, more held in chains by the society and is under greater obligations to be bound by the rules of sobriety and morals. The loss of a situation to him would be simply ruin, and economy and sober habits must be his rule to provide for wife and children. He is, therefore, not only a good citizen, but also a willing and obedient subordinate. A bachelor on the other hand, is bound to no place, is under no necessity to economize, and prone to lavish away his wealth on mere amusements. Who, then, among the two is preferable?

This brings the first note to a close. The second deals with what he calls "enforced widowhood." There is the Act XV. of 1856, which contemplates and legalizes her second marriage. Why then does she not remarry? Mr. Malabari answers this question by saying that "caste condemns her to an unnatural, if not ignoble course of life, and tramples upon her finer instincts," and asks the question "Why should caste be allowed to do this." "Because," the objector might be supposed to say, "the custom has a purely religious bearing" "No such thing," replies Mr. Malabari. "It is more a freak of the priestly class and of a set of social monopolists," and he elsewhere asserts "the widow becomes a ward of the State and has the power, if she have the will, to enter into another *honourable contract.*" This shows how ill Mr. Malabari has conceived the whole problem. His acquaintance with Hindu customs is very superficial, and with the *Shastras*, on which they are based, is still worse. He regards the marriage, from the Western point of view, as a civil contract capable of being rescinded and renewed. But in Hindu Law, and the customs based thereon, it is strictly a religious sacrament, or संस्कार as it is called. It takes the form of a gift of the bride by her father to the intended son-in-law. The pair have therefore nothing to do with it. Their respective fathers or others *in loc oparentis* settle all matters, including the choosing of an auspicious moment to celebrate it, and certain considerations of purity in the subject of the gift require that the bride should not have attained puberty. Suppose at this point her husband dies and she becomes a widow, why cannot she again go through the form of marriage? Because, from the Hindu point of view, she having been once solemnly given, her father has relinquished all his power over her and cannot resume it. She has entered the *gotra* of the husband, and is his *sapinnda,* with civil rights and liabilities in his family and with a settled religious position in the worship of the manes (after her death). Her father being thus out of the question, it may be said that she may give herself in marriage.

But this she cannot do, because she never had any thing like disposal of herself. When young she was given away, so the ownership over her (if I may be permitted to use the phrase) vested then in the father, was transferred by a solemn religious act to the husband, and he being no more, there is no one to give her away; and since Hindu marriage must take the form of a religious gift, her marriage becomes impossible.

This is the view taken by all the Hindus except the small and numerically insignificant band of reformers. Whether it is right or wrong is another question of great interest, but not necsssary to decide for our present purpose. The fact of great importance to the Government, whether in its executive or legislative capacities, is that the overwhelmingly large majority of Hindus take it, and recognzing this as a factor, the problem is whether it is advisable that the Government should take sides with the old many, or the modernized few. I am of opinion that it would be the wisest course to hold aloof and aid neither party directly or indirectly. By adopting the present educational policy heart and soul, we are doing our best to open the eyes of the people, and our wisdom lies in giving them free scope to choose their own, instead of exercising our judgment with choosing a course for them, particularly when the task is involved in great difficulty, and is likely to wound the religious susceptibilities which we have solemnly promised never to interfere with.

If, however, the Government has made up its mind to abandon this extremely advantageous position of complete neutrality, its next duty obviously is to proceed very cautiously, and carefully examine every step recommended. For this purpose let us see whether the proposals of Mr. Malabari are safe, practicable and proper. The first is—"That no Hindu girl who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will." This, as Mr. Malabari himself admits, goes no further than the provision of Act XV. of 1856, and since it has existed nearly thirty years without giving rise to any particular convulsion of society, it may be said to be both safe and proper. The remaining point is whether it is practicable. Mr. Malabari allows that it has remained a dead letter. Let us ask why? Because he says there is secret opposition of the caste; and asserts "at present there is a struggle between caste and the code. It is an unseemly encounter." Is this explanation complete and satisfactory? I, for one, think not. If it was the external force of the caste alone which kept the widow from exercising her rights, I fully believe she would have sought the protection of the proper authorities long ago. That the voice of a number, however oppressed, can never be stifled, and their action controlled, are facts too well known in history to require a formal demonstration, and the explanation of Mr. Malabari fails in proportion as it does not take account of this truth. What, then, is the true explanation? It is that long customs of undoubted authority have fostered and strengthened certain ideas of wrong and right, social decorum and individual respectability based thereon. These ideas and sentiments arising therefrom, deter a widow from exercising her *strictly* legal rights much more effectively than the brute force of the caste, if at all it is used, however persistently and secretly. If so, then we have given the Penal Code to prevent the use of muscular oppression, and must wait to have the moral influences removed by education. No legislation can do this, and we are brought back to the policy of non-interference.

Let us try the next proposal and see what it leads to—"that arrangements may be made *in suspected cases* to ascertain whether a widow has adopted perpetual seclusion voluntarily or whether it has been forced upon her."

First of all, whose business is it to be to suspect such cases? If the police, then we should have an extra family detective force, or a similar body of officers entrusted with the business. But next, how are they to be able to suspect? Of course not without having the right of visitation and search. If this be conceded, we should take special care that the powers thus given are not abused. So there must be checks and counter-checks, and devising them is by no means a very easy or inviting task. But suppose all this is done; what is the result? The large majority of the Hindu males and females being, through ignorance and strong conservatism, averse to the change, will feel themselves aggrieved, and wide disaffection will be the consequence, at least for some time. The executive officer, already unpopular, will be rendered still further so, and the door will be open to misrepresentation, and probably to sedition.

In the next place, it will be the duty of the officer in question to see whether a particular widow has chosen "perpetual seclusion voluntarily or not." So he must meet her in private. To what frightful consequences this will lead it is not necessary to describe. This proposal is therefore neither safe from any point of view, nor practicable, and is therefore improper.

The third proposal of Mr. Malabari is "that every widow, of whatever age shall have the right to complain to the authorities of social ill-usage (over and above excommunication)

and that proper facilities shall be afforded her for the purpose, such as the gratutious service of counsel, exemption from stamp-duty, attendance at court, and so on."

Here the words "social ill-usage (over and above excommunication)" are difficult to understand. There is nothing that a man can do to the prejudice of another in his body, mind, reputation, or property which is not punished in some way or another by the Indian Penal Code. What remains unprovided for by it is absolutely that portion of morality and good manners which human experience has hitherto shown to be incapable of being judicially enforced. Social ill-usage, to be anything must fall within the latter unenforceable residue, and cannot therefore be the subject of legislation. For if it consist in not inviting a person to a dinner party or a pleasure trip, how can that be complained of to any public officer? How can an obnoxious person be forced on an unwilling family or collection of families? Further, if people wish to avoid the penal consequences of this law, how are they to act? Government must supply them with a list of persons who must on all occasions be invited, which will be an impossible task and of very questionable utility. This proposal, again, lands us in absurdities, and is therefore unsafe, impracticable, and improper.

And it will be seen that the fourth and the last proposal is no better. It runs thus:—"That the priest has no right to excommunicate the relations and connections of the parties contracting second marriage, besides excommunicating the principals."

So then the priest can excommunicate the principals. If so he must be able to excommunicate also their relations and connections, because they are most likely to have partaken of the food with the offending pair, and abetted the irreligious proceeding. But this is not the only objection. When a few persons, say four, are together, any three of them have it in their power to hold no communication with the fourth, and this their power or right (whatever we choose to call it), it is not in the power of any Government to take away. Let us carry the illustration a few steps further, and we see a caste can similarly exclude from their company, or excommunicate a person or number of persons in the same way under the same inherent power or right which resides in the four above supposed. How can possibly Government interfere in the matter? Besides, if we start with the proposition that a caste or collection of persons of one and the same persuasion have no right to tyrannize over an individual or individuals, how can we possibly urge the right of the State to dictate terms to a caste or other collection of men?

Now this caste or collection of men may choose to exercise their right or power of exclusion in a solemn meeting of themselves, or may delegate their authority to a single person, say the priest; and if the caste itself cannot be controlled in its action by the State, neither can the delegate or the priest be. We see therefore that this proposal is both wrong in principle, mischievous in practice, and therefore improper.

All these suggestions of Mr. Malabari, being thus found wanting in soundness, unsafe, impracticable and improper, let us for a moment turn to the necessity of originating and entertaining them, "and I say," urges Mr. Malabari, "the people are ready to go a step further" in the direction of reform, but only a few lines after it, he says, he is afraid of a reaction. "This progress has been very slow, and there are so many obstacles in the way that those who have watched the movement closely apprehend a reaction if the people are left much longer to struggle on by themselves." This sounds rather strange. If Mr. Malabari is assured of people being ready to go with him in the reform, why is he at the same moment afraid of a reaction? If they are acting really from a conviction of doing right, it is not at all likely that they will immediately turn round and go back in vehement haste; moreover, if the people are ripe for a reaction, does he think that legislation will hinder them? If so, he is clearly speaking in opposition to the most well-taught lesson of history. The world does and must proceed by action and reaction like a swing, and no efforts of Government will stop the operation of the immutable rule.

This apprehension of Mr. Malabari further shows that he has no faith in the beneficial effects of the daily increasing education. Will further reading and a general improvement in the mental culture of the Hindus end in retrogression? At least the history of the world has never shown a like example. Here again, therefore, he is at fault, and self-contradictory. The fact is that he is not speaking from his own inner consciousness.

His ideas are derived from the social satires and appeals, and therefore tainted with the haziness and exaggeration which are but too common in those compositions. Much capital is made of the abolition of *suttee* and infanticide, and they come in every moment in both his notes. But these are both very different from the so-called social evils. The Government did, and very rightly in my humble opinion, look upon them as crimes, and as such they were peremptorily stopped. Moreover they were not common to all classes, and yet if there was any risk incurred in interfering with them, that risk the State was bound to incur in the interest

of civilizat'on. But there is no such excuse now, nay, there are greater and sounder reasons to lead to the contrary.

My own opinion therefore is that the Government will do well to follow its traditional policy of non-interference in religious and moral questions, because it has done, and is daily doing, all it can to instruct people how to form an intelligent judgment on such matters, and here therefore it may very properly rest. External interference has the unhappy effect of destroying the self-acting machinery by which a nation elevates itself, and by departing from its pronounced policy the Hindus will be put at least a few decades back.

If, however, the Government is at all minded to take part in this matter, the proper course would be to convene together all the Spiritual Heads of the Hindus and ask their consent to a few and fundamental reforms. Persons should not be denominated heads merely because they have wealth or temporal power, but should be carefully selected from among those who really possess great religious influence over the people at large. Such, for instance, are the Shankeracharya, the Madhavacharya, the Ramanujacharya, the pandits of Benares, Nassik, Nagpur, Pandharpur, Poona, Mathura, and other places which are great Brahminical centres. If such an important diet was called into existence, and proposals submitted to them, the legislature will have a very great moral support, and the populace will very easily acquiesce. It may be that the proposals will be once or twice rejected; but offering them repeatedly will carry the day if they are proper, and will distinctly be a gain on all hands. Supposing this diet approves of a law prohibiting marriage of girls before a certain age, say 12 or 13, infant marriages will easily disappear since the bridegrooms, by the custom of the Hindus, must be older by at least a few years than the brides, and pave the way to future reforms.

I am what Mr. Malabari calls a let-alone-ist out and out, and put forward the above proposal only on the supposition that the Government of India are anxious to move in the matter.

VII.

Views of MR. BAJABA RAMCHANDRA PRADHAN, Educational Inspector, Hyderabad Assigned District, on Mr. Malabari's Notes on the evil customs among the Hindus,—dated 29th January 1885.

I have read the notes on infant marriages. There is no question about the evils resulting from this custom. But they seem to have been much exaggerated, while no notice has been taken of the advance which has already been made in bringing about the needful reform.

The custom of early marriages among the Mahrattas does not seem to be of a very ancient date. It had its origin in the times of their prosperity and became general during the latter days of the Peshwa. It attained its height in the early years of British rule in Western India, when the people first tasted peace, but were still distrustful of the times when education had not taken root, and the disturbing ideas of reforms were not known. The tide began to turn about twenty-five years ago, when educated men here and there made their influence felt in society, and the many civilizing agencies were set at work. The result since obtained in mitigating the evils of child marriage have been so marked that they furnish good ground to hope that in course of no long time we shall be able to make greater advance towards the attainment of the object without any special expedients.

Ten years ago is was very rare to find a girl above the age of 8 years who was not married. There are now many unmarried girls of 10 and 11 years in respectable families. Some of the girls married last year among the Brahmins and the other higher castes were, I know, 13 and 14 years old. Ten years ago such an age for unmarried girls would have roused caste indignation to the extent of excommunications and tyrannous fines. A whisper of criticism it did raise here and there, but it soon died without leaving any deterrent mark behind. If so much has been brought about by the working of internal influences, there should be no solid reasan to ask for the interference of Government or the adoption of coercive measures which would only create mistrust and opposition.

It is said that if any reform has been effected, it is among the small circles of the upper classes who are within the reach of the several civilizing agencies; that the great mass of the uneducated people remain aloof and unchanged, and that it is for them that special measures to stop the custom of early marriages are required. But it is this very class of people who are likely to look with suspicion on any action which would come upon them with the force of law. And it will be a mistake to suppose that any reform adopted by the higher castes will not be taken up by the lower and less educated classes of the people.

As for the other evil, "enforced widowhood," discussed by Mr. Malabari in his notes, I do not think any measure emanating from Government would afford real help for its mitigation.

Such social reforms depend to a great extent on the education of the women, and as it has not made much progress the difficulties are yet great. So much advance has now been made that our women are not shocked, as they used to be some years ago, at the idea of the remarriage of widows in the higher castes. The prevention of early marriages would greatly help in reducing the number of young widows. To clear the ground for the exercise of their free will with respect to their remarriages is the work for the reformers. Any active interference from Government in this matter is more likely to retard than advance the cause of the widows.

The last suggestion of Mr. Malabari for the establishment of a national assembly with branch societies to assist in the cause of social reform is likely to be of very beneficial results and ought to recommend itself to the leading members of the Hindu society. Such assemblies being not nominated by Government and composed of their own countrymen will not be misunderstood or distrusted by the people, and will be in a position to effect the desired good.

VIII.

From MR. SHRIRAM BHIKAJI JATAR, B. A., Director of Public Instruction, Hyderabad Assigned Districts, to the Commissioner, Hyderabad Assigned District,—No. 2769, dated 4th February 1885.

In compliance with the instructions contained in your docket No. 8546, dated the 27th November last, I have the honour to state my opinion on Mr. Malabari's notes on "Infant Marriage" and "Enforced Widowhood."

2. Mr. Malabari's notes have been criticised by so many competent authorities, that it is difficult to say anything new on the subject. I believe that his descriptions of the evil effects of early marriage and widow celibacy have been overdrawn; but as the customs he criticises are undoubtedly pernicious, nothing is gained by going minutely into his observations and saying that the evil is not so great as he represents. All reasonable men admit the urgent necessity of some steps for the removal of the evil, and the question only is whether the suggestions made by Mr. Malabari are practicable. Before giving my opinion on the subject, however, I must state that I have never heard of the "objectionable form of marriage—" "the criminal arrangement" described in the last paragraph of Mr. Malabari's first note. It is certainly not prevalent amongst any of the Hindu castes I am acquainted with.

Infant Marriage.

3. The first suggestion of Mr. Malabari is as follows:—"The educational authorities might rule that, due notice being given, no married student shall be eligible to go up for University examinations, say, five years hence." I think that, apart from the consideration of the disadvantages of this ruling, the University authorities would not be justified in making it. The Universities must confine their attention to the encouragement of education; and the step advocated by Mr. Malabari is, I believe, calculated to discourage education, at least among the richer classes. It is considered disgraceful amongst these classes to keep a boy unmarried after 12 or thereabouts, and those who can afford to do without education will, under the existing state of native public opinion, never think of keeping their sons unmarried for the sake of enabling them to pass University examinations. I need not say that the so-called early marriages are mere betrothals, and if "married" boys are prohibited from going up for the matriculation examination and attending colleges, consummation in their case will be accelerated, and the evil so graphically described by Mr. Malabari will be intensified. A few poor undergraduates who are enabled to attend colleges by means of scholarships remain unmarried to a comparatively later age even now, and this number is likely to be slightly increased if Mr. Malabari's proposal be adopted; but this advantage will be very small in comparison with the disadvantages stated above. Marriages amongst Hindus are not registered or published in newspapers as is the case in some other communities; and the carrying out of this and other recommendations of Mr. Malabari is, perhaps, calculated to lead to private and concealed marriages, which are now unknown amongst us, and to the consequent fabrication of false certificates. I do not understand Mr. Malabari's statement that "some such expedient would be welcomed by a leaders of native society in all parts." If leaders of native society are so very anxious that Hindu boys should not be married at an early age, why do they require the aid of the University ruling? and what prevents them from setting the example? Caste does not make the early marriages of *boys* compulsory, and the proposed University ruling will not stop the early marriages of *girls*.

4. Another suggestion of Mr. Malabari is that "University graduates and others should form themselves into an association and take a pledge not to marry under a certain age." He

has also endorsed the following suggestion, which, in his opinion, is equally good, *viz.*, that no educated man should marry a girl too much under his age. Hindus generally do not become graduates before they are 20, and at that age most of them are married. Therefore the first of these suggestions probably means that graduates should take a pledge not to marry *their sons* under a certain age. If this interpretation is correct, the suggestion is very good. The second suggestion is, perhaps, intended for those of the educated men who having lost their first wives wish to marry again, or, like the first suggestion, it is meant as a guide to educated men in the matter of the marriage of their sons. If the second suggestion it intended for widowers, it is virtually equivalent to this, that when educated men lose their first wives they should marry none but widows. Religion or caste prohibits Hindu parents from keeping their daughters unmarried after 12 or the age of puberty, and they are generally married at 8 or 10. If, therefore, a widower of 30 wishes to remarry, he must either marry a widow or a girl too much under his age. It will thus be seen that this suggestion is quite impracticable under the present state of Hindu society. It is not quite improbable that the early marriages, particularly of males, will be discontinued at no distant date; but the question of the remarriage of widows is so much mixed up with religion, and there is such a strong feeling against this particular reform, that there is hardly any hope of its being generally introduced before a few generations pass away.

I am of opinion that it is not advisable to press the second suggestion, though taken by itself it is really a good one. As I have said above, educated men can easily take a pledge not to marry their sons under a certain age; but it is not so easy in the case of girls. These *must* be married before the age of puberty under the existing rules of caste, which are considered binding, and the father is, therefore, compelled to get his daughter married as soon as he is able to secure a good match. If, through unavoidable circumstances, a girl is kept unmarried till 11 or 12, the parents are sometimes under the disagreeable necessity of giving her in marriage to a boy or man whom they would never have thought of choosing under other circumstances. A long time will be required before educated men are able to break through this custom, which is supposed to be enjoined by religion, and therefore they will have to remain contented for a time with seeing the reform introduced only in the case of boys. If so, it will not be always easy for a boy to marry a girl who is not "too much under his age.'

5. Mr. Malabari also suggests that the head of a department should employ unmarried candidates in preference to the married ones "all other qualifications being equal." Supposing that this suggestion is practicable, I think it is not much calculated to serve the end in view. Mr. Malabari seeks to stop "infant" marriages, and Hindu youths cease to be legal "infants" when they are 18 years of age. I do not suppose many men under 18 are employed by heads of departments, and therefore the suggestion need not be considered.

6. The suggestion that "the Educational Department may give a few chapters in its school books describing the evil in its various forms," and that "the State may offer indirect inducements to students remaining unmarried up to a certain age," can be adopted with advantage. I entirely agree with Mr. Malabari in what he says regarding the beneficial effects of "friendly sympathy" and "personal interest" on the part of the executive officers of Government. Of course no definite rules can be laid down; but much good is likely to be done to the cause of social reform, if men who evince moral courage and break through a pernicious but long-standing custom are specially encouraged by Government. If the conduct of such men be considered equivalent to meritorious services to the State and rewarded accordingly, the appreciation on the part of Government will be a great recompense to them for the social persecutions which they have to undergo.

"*Enforced Widowhood.*"

7. In the first few paragraphs of his second note Mr. Malabari seems to suggest that caste should not be allowed by the State to excommunicate "remarried couples." Supposing that Government will be justified in interfering in the matter, I do not know how it can render effectual assistance to the remarried widow and her husband. The State can declare public meetings of the caste held for the purpose of excommunicating remarried couples illegal; but it cannot compel the caste to hold social intercourse with the parties. In 1869 a meeting was held at Akola in order to excommunicate a Brahmin who had brought about the marriage of his widowed sister in Poona. Some one said (rightly or wrongly) that the meeting was illegal, as Government had passed an Act for making widow remarriage legal. The meeting dispersed without arriving at any conclusion, but that did not prevent the man from being excommunicated in reality. He was not only not invited to dinner parties, but people refused to drink the water touched by him. When the man retired and went to live in Poona

he had to buy re-admission into the caste by paying a sum of money and feeding many Brahmins. I do not know how Government can prevent this.

8. The first definite suggestion of Mr. Malabari on the subject is "that no Hindu girl, who has lost her husband or her betrothed, if she is a minor, shall be condemned to life-long widowhood against her will." As long as girls are minors they must be under the control of their parents or guardians. It would be absurd to ask a girl of ten who has lost her husband whether she wishes to be remarried or to remain a widow. By the time the girls arrive at the years of discretion they know full well that they can remarry if they choose in spite of parental prohibition. The remarried widow is degraded in the eyes of the caste; and it is to avoid this degradation and infamy that a widow prefers to remain a widow all her life. No girl is therefore condemned to life-long widowhood against her will. The Government will be perfectly justified in making and publishing this ruling, but it will not have the slightest effect either one way or the other. Under British Government every one, who has arrived at the proper age, is perfectly at liberty to act as he or she chooses, as long as law is not transgressed, and this fact is so well known that the proposed ruling would be unnecessary.

9. What has been said above is applicable to the second and third suggestions of Mr. Malabari. "Perpetual seclusion" has been forced upon all widows by public opinion of the caste, and by (what they are taught to believe) their religion. Still they are fully aware that they can change their condition if they are prepared to face what they conceive to be public degradation. It is not, therefore, necessary to make any arrangements to make the suggested inquiry. A widow in a respectable family will consider it an insult if she be asked by the officers of Government whether she "has adopted perpetual seclusion voluntarily," and I do not know what other arrangement can be made to ascertain the truth. I, however, agree in the opinion of the writer that if a helpless widow were to complain to the authorities of ill-usage, proper facilities should be afforded her for the purpose, such as the gratuitous service of counsel, exemption from stamp-duty, attendance at Court, and so on.

10. From what I have stated in paragraph 7 it will be seen that any measure of Government directed against excommunications (if they consider themselves justified in taking such a measure) is certain to prove ineffectual. Government can prevent public meetings for the purpose, but they cannot prevent the aggrieved parties from being shunned by their caste fellows.

11. Mr. Malabari has said more than once that unless Government take some measure there is fear of reaction. In my opinion the fear is groundless. Education is progressing, and the minds of the people are undergoing a slow but sure change. If reaction ever comes it will be in consequence of ill-judged measures tending to exasperate the people. Consequent on the remarriage in Poona which has been alluded to in paragraph 7 above, there was a discussion amongst pandits in the presence of Shankaracharya, or spiritual head of the Hindus. In connection with this the reformers of Poona prosecuted a man belonging to the orthodox party for libel, and he was convicted and sentenced to imprisonment. The reformed party achieved a temporary triumph; but the cause was, in my opinion, thrown back at least a quarter of a century. In this matter therefore it is advisable to proceed cautiously.

12 The suggestion made in the last paragraph regarding a "national association" has my hearty approval; but in my humble opinion the most effectual means for carrying out social reforms is the spread of education. It is education which has produced the change which is now observed, and if Government and the richer classes devote all the surplus funds at their disposal to the scattering of knowledge and enlightenment amongst the masses, the cause of social reform is likely to advance as rapidly as is practicable.

IX.

Views of Mr. Hari Moreshwar Shevade, Head Master, Anglo-Vernacular School, Malkapur,—dated Malkapur, 18th February 1885.

Note I.

Infant Marriage in India.

Mr. Malabari's observations on this subject are very sound and valuable indeed All the questions involved are so well considered, that one has hardly to differ from the author, except in some measures in regard to the suggestions alone.

Mr. Malabari views the evils of early marriage from all possible standpoints, the principal among them being the want of exercise of free will on the part of the marrying couple, their physical and temperamental adaptability to each other, and the narrow extent of the area

of choice in the case of the classes or castes. Parents often exercise good judgment, though there is no doubt they are oftener influenced by selfish or foolish considerations such as poverty, conceited regard to social status, and the like. The question of the consideration of physical adaptability is not altogether neglected, and temperamental agreement is left to chance as a question that has no solution. Limitation of choice exists only where a caste is very small, but no remedy other than intermarriage into another closely allied caste can be suggested, though it must be achieved after ages by the progress of education alone.

The picture of the evils of unequal combinations and of a "too early consummation of the nuptial troth" is but too glaringly described. As regards the limits of age the Shastras are not consulted. Custom has a predominating influence over the Shastra which fixes the limit of a girl's age of marriage to at most 10 if not 12, and a boy's age to not less than 20. But as regards the latter the age is not directly prescribed, though the above limit can be easily inferred from the fact of 12 years' period having been enjoined to the boy for the completion of his studies (a step that must precede his entering on matrimony) after his "thread ceremony" in his 8th year of age, which the Shastras determine as the least teachable age. So the Shastras, as they are, are in no way responsible for the gradual deterioration of the nation, which originally arose from a state of opulence and wealth.

The means suggested for the discouragement and final abolition of the custom are well thought and practicable. Legislature should not, however, be appealed to, nor should Government be asked to deal any blow directly, all the aid given by Government officers being of a silent character. If the Universities could adopt the suggestion given it would be a great accomplishment. But the educated should, before all others, proceed to establish a national reform association and enlist sympathizers. The agitation of public opinion by newspaper and monthly-magazine-writers, impressive representations of the evils from the chair and the pulpit, and the departments of education inserting lessons on the subject throughout the serial Readers should be among the preliminary steps.

In paragraph last but one Mr. Malabari deals with the question of price-money received by a bride's father, by proposing that the money should be deposited in her name. Is this practicable? It is a clandestine sale, if a sale at all, and it cannot be generally proved. It must also be remembered that the money is received on the plea of the payment of marriage expenses owing to the poverty of the bride's father. This question need not be separately considered.

The evil described in paragraph 11, or the concluding paragraph of the note, must be very limited in area, as Mr. Malabari remarks it is, for one hardly knows to which caste or sect the reference is made. This is a very strange Hindu custom, and its existence is not perhaps known to many. Its evils are clearly laid bare, and the only way to put a stop to them is to expose them before the young generation of the caste in all possible ways.

Note II.

Enforced Widowhood.

Mr. Malabari's note on this subject is almost a complete exposition of the *pros* and *cons* of the questions, and the picture of the evils drawn by him could not be drawn better. Mr. Malabari writes very feelingly and the pathos of the reader must be roused. The discussion on the subject need only concern the remedies for the evil, and the question whether the State may assist the nation by taking an active part.

Mr. Malabari correctly observes in italics in paragraph 8—"And I say that in this matter the people are ready to go a step further;" but we may at least rest assured that a majority of the people are ready to go with us and certainly to follow us. The nation is almost prepared for the reform.

Of gabbling we have had enough. Even school-boys may be seen handling the subject in their puny meetings with all possible vehemence. Society has, as it were, been silently meditating over the subject, and even our women, who once shuddered at the idea, are prepared to hear discussions. It may be said we have their complete sympathy and their good wishes for the success of the cause.

The nation must now make an active beginning. Mr. Malabari's suggestion contained in the last paragraph of the note must be taken up. Our Government being foreign must refrain from interference, and the pledges it has given cannot but deter it from taking an active part. It may, however, be said that Government has done its best by giving the nation a liberal education—the only means to the accomplishment of such a reform—and their endeavours in this direction are continually in progress. The nation is looking up to the educated, who are the leaders of society, and whose learning and independent position

entitle them the more to set examples and to become martyrs for the cause. The leaders are not prepared to sacrifice themselves into the flame of caste persecution on the plea that the policy is a short-sighted one. But martyrdom, by the way, is, in this age, under the protection of the paramount power, a cheap glory. Protestant Reformers of the 15th century had not only no such protection, but the very State was their persecutor. That was real martyrdom. Here we have the legal protection of the State, and, more than that, their sympathy and moral support.

If, however, the leaders—the so-called reformers—cannot take the active lead, be it from policy or cowardice, according to the view of the nation, and think that the poor must be sacrificed in the beginning, they must make a provision for them and throw open possible inducements to them. A very large fund, say about 10 lakhs for each Presidency, should be secured wherewith to send out support to the sacrificing poor, to pay marriage expenses, &c. I am afraid nothing of the kind has been done on a scale that would command confidence. The fund also must be utilized for the publication of tracts on the subject to convey conviction to the hearts of the ignorant, such tracts being supplied gratis or sold at very cheap prices. In fact our reformers must take the example of the Scottish Missionaries who are labouring so hard for the cause of Christianity all over this country.

The regulations which Mr. Malabari asks Government to frame as protective measures will ill answer the purpose for which they are intended. No widow will ever complain, whether you give her the right or not, against her very relations; nor will she for very shame seek the protection of law for all the facilities you may provide her with; and to limit the priest's right of excommunication is to interfere with the caste directly. I am not sure how well-conceived these ideas are, and fear that their practicability may not commend itself to practical thinkers.

X.

Views of MR. WAMAN NARAYEN BAPAT, Tahsildar of the Chandur Taluk,—dated Chandur, 24th February 1885.

Infant Marriage in India.

Mr. Malabari is a well-known reformer. India is ever a child or an old man in his dotage. There is none so poor in knowledge, limited in experience, or humble in pretensions, as not to be able always to prescribe a few elementary lessons for her childhood to learn, and a few rules for her age to be guided by. This, if true, is much to be deplored. Not a few have wept over her grievances, physical and mental, social and political, with that heart-rending agony which can be felt only by nature-made reformers. Infant marriage is one of these grievances, and Mr. Malabari is one of these reformers. The two have met face to face. Nothing could be happier. The encounter must determine that either infant marriage is no evil, or that Mr. Malabari, with all his literary skill, indomitable energy of thought and action, and boundless resources, is not able to cope with it. Let us cast about and say with all due humility, what this result will probably be.

2. Mr. Malabari opens the crusade by a covert syllogism or two. He says:—

Infant marriage is an evil.
Infanticide is an evil.
∴ Infanticide is equal to infant marriage.

2nd. Government could put down infanticide by law because it was an evil.
Infant marriage is as great an evil as infanticide.
∴ Government could put down infant marriage by law.

3. It does not require any logical acumen to say that these syllogisms are not quite perfect, and that there is a flaw somewhere. It may be said that infant marriage is no evil at all, or if an evil, it is quite different in kind and degree from infanticide, so much so, that Government could well put down the one, but spare the other, and may still hope to secure its acquittal even from such a rigid judge as Mr. Malabari. The notes throughout furnish more instances than one of such untrue and perplexing logic, and prove beyond doubt that it is not the intention of the author to reason you into an agreement with him but to storm you into it, or, if that is not possible, to catch you into it by a series of well-devised clap-traps. Hence, we may well leave Malabari with his pulpit oratory and unsound logic, and concern ourselves only with what is consistent with stubborn experience and ordinary common sense.

4. Before we determine whether infant marriage is an evil, it is necessary that we know quite clearly what an infant marriage is. It is not a little disappointing that Mr. Malabari should have left us in this much to our own guidance. It may be said that infant marriage is

a marriage of infants; and nothing could be plainer, simpler, and easier than this. But one may still plead ignorance and ask what is marriage, and when one ceases to be an infant? Marriage in India is either proper or improper. One partakes much of the character and features of what may be called a betrothal, but is called a marriage, perhaps because it is as irrevocable as proper marriage is.

5. Again, marriage proper is a marriage contracted at an age when both the contracting parties are capable of consummating it. Out of India, marriage improper is no marriage at all. In India, marriage proper is not called marriage, but is looked upon as the natural sequence of marriage improper. This difference of marriage proper and improper must constantly be borne in mind to avoid confusion of ideas, which must otherwise arise in the discussion of the subject of these notes.

6. Now let us turn to the notes and find whether Malabari condemns one or both. If we are not wrong, Malabari would put a ban upon marriage proper and also improper. What he would have India do is, it would seem, to substitute what may be called postponed marriage—that is, marriage contracted not when the parties have just become fit to consummate it, but some time after, when they have had sufficient time for the full development of their physical constitutions. Now we shall address ourselves to the consideration of these three kinds of marriage, and see how much of evil each contains, and what possible remedies there are to eradicate it. But before we do this, it is necessary to know, at least roughly, what is evil and what is good.

7. Good and evil are catch-words used by writers on morality and religion almost as synonymous with merit and sin. In the present inquiry we cannot be too careful to guard ourselves from this aspect of them. It is enough for our purpose to say that, in this world of ours there is nothing intrinsically or absolutely good or bad; nothing that is at all times and under all circumstances good or bad. What is good to-day may be bad to-morrow, and *vice versá*. When we talk of infanticide or infant-marriage as an evil, we cannot mean they are evils pure and simple. There is at least a possibility of their becoming good under another state of things, which may, perhaps, not happen for a long time to come, but which is quite conceivable. Again, even in the present state of things, every good has almost necessarily its inseparable factor of evil, and all that humanity is capable of is to consider both the credit and debit side of every good and evil, and strike the balance if it can.

8. In speaking of infant marriage as an evil, Mr. Malabari seems to have thought that he had a brief only from the evil side, and that it was no part of a proper advocate even to touch, much less to compare and adjudicate upon, the strong points of the other side. Let us now do which, perhaps through chance, perhaps through intention, has been left undone by the able advocate.

9. *Marriage improper.*—In India, for climatic reasons, women and men arrive at the age of puberty much sooner than elsewhere, and the average limit of puberty for women may be fixed at 13, and that for men at 16. All marriages below this limit may be classed as infant or improper marriages.

10. Marriages of this sort, Malabari says, are an evil; and why, because they produce results as follows:—

1. Widowhood.
2. Absence of free-will.
3. Hobson's choice.
4. Physical defects or moral taints.
5. The out growing of husband or wife.
6. Husbands becoming fit for the grave when the wife becomes fit for his home.
7. Total or partial absence of physical adaptability or temperament.
8. Social alienation.
9. A too early consummation of marriage.
10. Breaking down of constitution.
11. Bringing in of disease.
12. The giving up of studies by the husband.
13. Birth of sickly children.
14. Necessity of feeding too many mouths.
15. Poverty.
16. Dependence.
17. A disorganised household leading to sin.
18. Premature death.
19. Unprotected infants.
20. Over-population in poverty.
21. Contracting of debts to be paid by sons and grandsons.

11. Now this is a long and heavy indictment even for such an inanimate thing as infant marriage to be alone responsible for. It is impossible even for the liveliest imagination to add to it, and make it look worse. It is as if one were charged simultaneously with all the offences under the Indian Penal Code, and also under special and local laws. The thing would look suspicious, if not absurd. The deciding judge, no less than the anxious public, would sit mute with wonder and astonishment, believe the advocate moon-struck, and would rather wish accused acquitted of one and all the charges than sanction such a monstrous proceeding by his conviction. Anyhow, the evidence for prosecution will be scrutinized with all possible scrupulousness and patience, the full benefit of every doubt will be given to the prisoner, and, if accused

is convicted, it will be only after the most unimpeachable and overwhelming evidence is produced, making acquittal an impossibility. We will try to see if the case is realy as it is put.

12. *Widowhood*—Experience shows that mortality varies up to about 15 in an inverse ratio. Hence, marriages contracted within this period are likely to produce more widowhood than when they are postponed to more advanced age. But a widow of 3 and 5 years old stands a good chance of having her widowhood terminated by death before she comes to an age when widowhood is a real and a substantial grievance. Again, this widowhood is anything but a curse in classes which allow of remarriage of widows, because the widow has it always in her power to end it when she likes. Permanent, or enforced widowhood, as Malabari calls it, is all that is to be thought of. Here, too, infant marriage cannot justly be held responsible for the whole of the widowhood existing in India at any specified point of time. It cannot be responsible for the widowhood of those who have the misfortune of losing husbands of 16 and upwards. The area of widowhood evil of infant marriage is further diminished by the fact that the proportion of such classes as forbid the remarriage of widows is extremely small as compared with the classes which do not. Thus it will be seen that causing permanent widowhood is not that head-and-front offence, for which alone, it would seem, Mr. Malabari would have capital sentence passed upon infant marriage. It is undoubtedly an offence, but of such small proportions that infant marriage may well plead guilty, hoping to get off only with a reprimand.

13. *Absence of free-will.*—Mr. Malabari knows that this is one of his weakest children. With a father's tender care he has not only put this delicate and puny offspring of his between two strong supports, so that if it could do no service it should be at least free from danger; but he has taken special caution to recommend it for a mild treatment, stating that "parental control is necessary and mostly beneficial even when the parties have come to years of discretion, and that the argument of absence of the exercise of free-will may not commend itself readily to all practical reformers." We agree with Mr. Malabari, and dismiss the witness unexamined, and therefore uninjured in character, only regretting that it was ever pressed into service only to swell the rank and file of the witnesses.

14. *Hobson's choice.*—This argument runs thus : A boy or a girl must be married when he or she is an infant. The parties are too young to choose. But their parents may, rather ought, to do this for them. But you must choose in the caste or sub-caste to which you belong. Hence the area of your choice is extremely contracted, and practically you have no choice in the matter. Malabari says that from this state of things may result evils Nos. 4, 5, 6, 7 and 8. We fail to see the cogency of this reasoning. If castes and sub-castes are to exist, one does not perceive how late marriages will prevent these evils. If children are allowed to grow even to 20 before they are married, it cannot possibly widen the area of selection. On the contrary, it may be considerably narrowed, inasmuch as many who could have offered themselves to our selection at an earlier stage of their existence have probably disappeared from the scene owing to child diseases. At any rate, late or early, the area of choice must remain much the same, castes and sub-castes existing. Mr. Malabari seems to think that if children are married late and not early as is now the case, it is almost certain that all physical defects, moral taints, absences of physical adaptabilities, and hopeless disparities of temperament, will be discovered betimes, and save married life from becoming a martyrdom, as he believes is now often the case. If late marriage can do all this, nay, if it can do a tenth part of this, infant marriage is simply doomed. But we doubt that the remedy is any remedy at all.

15. It is true that marriage is a kind of contract, and, as such, should be amenable to all bindings and safeguards to which other contracts are. There should be no room for deception on either side, the more so as this is a contract which binds for life and cannot be set aside without incurring heavy penalties. But so long as human nature is not prepared to forget its high descent and lofty destiny, it cannot traffic in human flesh with that utter oblivion of the demands of decency with which it enters into other contracts. Hence, in contracting marriages much will always be left to chance, and little to deliberation and choice. Physical defects and moral taints must always remain an after-discovery, which is apparently more possible in early than in late marriages, because children are naturally more exposed to observation than adults, and less likely to assist in cheating.

16. As regards wives out-growing husbands, due care is generally taken to prevent this, as castes and sub-castes do not actually contract the area of selection so much as Malabari is pleased to believe.

17. The cases of husbands becoming fit for the grave when the wives become fit for their homes are so rare, and few and far between, that it is mere perverse ingenuity to draw from them an argument against infant marriage. Such cases are highly reprehensible, and must be

dealt with separately. Mr. Malabari has done well to notice them again and conspicuously, but they are made to do duty here also only because Malabari's forensic skill could not be blind to their important use in supporting an indictment against infant marriage generally.

18. What is physical adaptability? We do not quite understand it. If it only means that there should always be a certain distance in years between the wife and the husband, if it also means outward appearance, beauty, and all the rest of it, the whole is carefully looked to and secured, as far as it is possible for third parties to do it. Parents here and there may be found unworthy of this trust. But to say that parents generally discharge this part of their business slovenly and with an eye to interests other than those of their children is a serious and totally undeserved libel upon all parenthood. If adaptability includes anything else, we know it not. It is quite enough if we know, and there is not the least doubt that we know it, that married life has seldom a complaint to make on the score of physical adaptability.

19. When Malabari talks of disparity of temperament he stands on much firmer ground, but only seemingly. We hear of cases where life is embittered by this disparity, but to say that infant marriage is the cause of it, and that late marriages will prevent it, is to mistake a friend for a foe, and *vice versá*. In late marriages, parties being sufficiently grown up, the work of selection will be mostly done by them. With them outward form will carry everything before it. They can have little patience for the exercise of that cool judgment which alone possesses all the requisites to determine such a perplexing mental problem as temperament. Again, the age of the parties makes them capable of temporarily hiding all their weaknesses from one another, and of that part of the world which feels interested in the issue. Such is not the case with infant marriages. Here the parties themselve are too young to deceive. The choice is confided to parents whose interest at stake is only second to that of their children, whose experience of the deceptive appearance of things is both longer and wider, and whose judgment could afford to be in a state of equilibrium. Hence, if temperament can be known, there are chances of its being known and availed of in infant than in late marriages.

20. Again temperament is amenable to training. You can chisel off many of its angularities by a proper course of treatment. Childhood is the proper age when this can be done. A married infant girl becomes, after the marriage, the exclusive property of the husband. The husband is nothing. His parents and others of his household are everything. Staying with them, she naturally conforms with the general temperament of the family including the husband. If she is slow to do this, a little of parental discipline brings about the change. In late marriages the temperament being already formed it is hard to change. If change is necessary, it must be the work not of the elders but of the party directly interested in bringing it about. This party is apparently not in a position to be a disciplinarian, and at the same time a loving husband or wife. Anyhow the task is not easy, as it is when done by the parents in the wife's childhood.

21. It is plain from the above that Hobson's choice, want of adaptability, and so forth, are only possible evils. In practice they seldom arise, and that infant marriage must be acquitted on all these counts. Mr. Malabari himself is conscious of his weakness here, and observes that such infant unions turn out happy in a large majority of cases. But he proceeds.

22. These unions, though happy in themselves, are said to produce evils from No. 9 downwards. A too early consummation of the nuptial troth is the parent of most, if not of all. Here again Mr. Malabari's "too early" is vague and indefinite. We have a right to know about what age, he thinks, the consummation occurs, and when it should occur. If Malabari means that this consummation takes place before the parties have arrived at the age of puberty, we are prepared to join issues with him. Marriages are generally so arranged that by the time the husband becomes 16, the wife is about 13. The age of puberty has come, and consummation is allowed. The evils, such as the breaking down of constitutions, &c., which Malabari so pathetically bewails, cannot follow from what is wrongly termed a too early consummation. That consummation which takes place just when the parties have arrived at the age of puberty is a direct call of nature, and cannot be early or late. Nature is generally credited with being unerring and perfect. In cases especially where she writes in legible characters, and where it is impossible to misunderstand her, it is not always possible to disregard her. If she is opposed or slighted she knows how to have her revenge. It may be less direct, longer in coming, but it is none the less certain. In these timely consummations if it is nature that calls, we cannot be presumably wrong in responding to her. Hence, we should be disposed to argue that if Hindu children are comparatively more sickly and less robust, it should be the effect of causes other than these wrongly called untimely consummations. It will not do to forget that a strong physical constitution is the product not of one or two, but of several causes combined. Climate, food, habits, and a host of other things go to

form it as much as consummations do. A sickly Hindu child of to-day, under more favourable circumstances, may be a strong vigorous father of children, not sickly as he was when a child but as hale and hearty as are the children of those whose consummations are postponed beyond the ages of puberty. In short, we do not believe with Malabari that infant or improper marriages lead to consummations earlier than the age of puberty, and that the breaking down of constitutions, the ushering in of disease, the birth of sickly children, a disorganised household leading perhaps to sin, a wreck of two lives grown old almost in youth, premature death, the increasing of the number of widows, and the adding to the number of orphans cannot be appreciably the effects of these consummations. We confidently tell him to look for the causes of these elsewhere. The field is ample. He has the requisite energy for an exhaustive search, and he must find them if he only keeps his imagination under proper control and allows more freedom to thought, reason, and observation.

23. The giving up of his studies by the boy-husband in consequence of consummation is one of Malabari's arguments against infant marriage. As the consummation is not a day early, we are afraid that Malabari here, too, must seek elsewhere for the why of the boy-husband giving up his studies. We fully believe that the consummation is not at fault, and that it has the tendency of making him only more steady, more tractable, and even more studying than he would be without it.

24. Malabari draws a grave economic problem out of infant marriage, and the way is this. Infant marriage brings on a too early consummation. This naturally produces more children. Hence over-population. As Mr. Malabari would have Government to put down infant marriage, if not as a social grievance, at least in the light of this grave, economic problem, it is necessary that we devote particular attention to this change of front, and see if this is not also a mere phantom raised by the magician's wand to scare Government into unqualified submission to the master's will.

25. Malabari knows that over-population is the direct result of every well-ordered Government which disturbs nature's operations to restore equilibrium by either preventing wars, famines, diseases, &c., or by minimizing their mischief. We think over-population is as yet not one of India's standing grievances, though there is room to fear that it may, before long, be one of them. Does infant marriage produce over-population? We can show that it does not and cannot. "Begin early and end early" is a law of nature. We dare not disobey it. If you begin early in begetting children, you must end it early also. Again, if this early beginning produces sickly children, and Malabari has no doubt that it does, such children cannot live long, and cannot cause more over-population than if you began late and produced a more healthy and less perishable progeny. In fact probabilities and facts go the other way. In countries where marriages are late progeny is more numerous, longer lived, and spreads far and wide like a fig-tree.

26. What Malabari feels most is over-population in poverty. He thinks poverty is a constant quantity, while over-population is not. You can check and remove the latter, but not the former. But we say a country may be poor without being over-populous, and a country may be over-populous without being poor. England is over-populous, but not poor. The Sahara Desert is poor, but not over-populous. This shows that over-populousness and poverty do not stand to one another as cause and effect as far as individual countries go. In fact, we believe that it is only when a country becomes over-populous it ceases to be poor. When the struggle for existence becomes keen, more land is brought under the plough. When all the available land in a country is exhausted, men begin to look to other countries for supplying them with means of existence. Hence arts flourish, commerce increases. The keen competition invigorates the body, emboldens the mind, and breeds a healthy discontent. Emigration comes in but only to take away the surplus population, leaving the country as prosperous as ever. Over-population is a fear, a danger, and a reality, only when the whole habitable world is taken into account. But apart from the misgivings of theorists, the time is yet too distant when the whole of the habitable earth will be fully occupied, when there will be not an inch of ground for human beings to stand upon, and when neither land, nor water nor air, can furnish us with means of living. But such a time can never come. Wars, famines, and diseases, which we cannot altogether prevent, will keep population in check and defer the crisis indefinitely. Now to sum up: Infant-marriage does not and cannot cause over-population. Over-population does not produce a country's poverty; but, on the contrary, has the tendency to remove it, and India, if poor, must hail over-population as a deliverer, and not curse it as an evil, at least for a long time to come. Hence, we believe Malabari's serious economic problem has nothing of seriousness in it, and it admits of an easy and hopeful solution.

27. Now as to the contracting of debts. It is a fact that Hindus consider marriage an event and solemnize it with all due *éclat* possible. Large sums are spent, and here and there

whole families are reduced to beggary permanently, and to the third and fourth generations. But marriage is rather the occasion than the cause of this spending. Ignorance, and not marriage, is the root of this evil. Dispel ignorance, and with it you dispel that improvidence which teaches you to live only for the day, and have no thought for the morrow. It is again ignorance which is a bad accountant and balances the credit side with that of the debit by entering on the former sums which are not your own. Again, what is it but ignorance which induces you to copy the vices of the rich, and makes you forget that although it is safe for your neighbour A. to spend thousands upon the marriage of his daughters because he can afford it, for you it means simple ruin because your coffers contain nothing. Thus it is only in lower classes in which ignorance most prevails, that you find utter recklessness as to expenditure on marriages. Things improve as you ascend higher up. If you disallow infant marriages you do not certainly thereby reduce the number of the kunbi's visits to the plausible Marwari. What you do is to preserve the Marwari intact, but you compel the kunbi to look out for other objects on which to spend. In many a class every available pie is spent on drinking. Even the Marwari is drawn upon, but the thirst remains unquenched. The money that was spent on marriage would now be spent on drink. If marriages are late instead of early, there is no hope that matters will mend. The grown-up son, ignorant as his father, will only add his own improvidence to that of the sire. Give the kunbi thousands, and he at once knows how to spend the whole. If he has no liking for drink, or if his caste does not permit it, he likes clothing, he likes a fine pair of bullocks, not to work in his fields, but to satisfy his whim and vanity. In short, he is a genius for spending, and will find a much shorter way out for his thousands than you can for your tens. The last abnormally high prices of cotton which ruled a few years back poured fortunes into the cultivator's family in Berar. Thousands could have been spent on marriages, [both infant and grown-up, thousands again on the marriages even of dolls], and there would have been much to spare. But the average kunbi this day is none the better for his prosperity. In fact marriages have little to do with debts. They are born of ignorance, and with ignorance they will die.

28. Malabari could not have talked better sense or truer shastra than when he says that the *Shastras* do not enforce marriage on a girl under 12 and a boy under 15 or 20. In fact the *Shastras* fix no limit to the marriageable age of the boy. We should also say that in all this castes and the *Shastras* in theory go hand in hand. Practice, however, differs, and nothing we can do to bring practice into strict conformity with theory can be reasonably objected to. All that we say and maintain is that marriage even much below 13 for women and 16 for boys is not that sort of evil for which heaven and earth should be moved. Native society is doing slowly but surely for this trifle of an evil, and already the marriage age for woman in the educated classes has risen from 5 and 6 to 10 and 11. Government may well trust the native society to perfect what it has so well done hitherto, and turn its attention to other and more urgent calls. Neither the educational nor any other department under Government need bother itself with attending to a business which does not legitimately belong to it. All preference for Government employ, all indirect inducements to students to remain unmarried up to a certain age, all official display of personal interest in the matter, will only work incalculable mischief, and should be scrupulously avoided. In fact, so far as Government is concerned, its policy should be that of a perfect let-alone-ist.

29. The most obnoxious of early marriages are marriages of girls of 12 with dotards of 50 and 60. These can never be too sufficiently condemned. They are brought about by wretches of fathers and mothers of victim girls only from mercenary motives. Here you may strike as hard and deep as you can. We do not think Malabari's proposal of depriving the parents of the money for which they have sold the child and securing it for the child quite meets the exigencies of the case. The girl would rather renounce all the money which she can thus get than espouse such a loathsome spectre of a husband. We would go a step further and bring consent on which all contracts should be based into full play. In all such marriages Government should rule that the girls must be at least 12. At this age a girl can choose and express her choice. Government should appoint a respectable panch in each caste to see that the girl consents of her own free will, and that such consent should be recorded. Every father, and in the absence of the father, every guardian of such a girl should have it made his or her legal obligation that he or she produces the girl before the panch before a contract for her marriage is entered into, and the consequences of non-compliance should be made penal. The panch should also be required to procure the personal attendance of the bride, so that the girl should see and judge for herself. We do not say that this is no Government interference, but we reply that every caste is simply unanimous in their abhorrence of these vile bargains, and will go with Government, and not against it.

30. Malabari speaks of marriages where a girl of 12 to 15 is married to a boy of 8 to 10. We have not yet heard of a single marriage of this sort, and we would not believe in them but for Malabari's high authority. But we dare say that the motives may be different from those ascribed in the "Notes." As we know nothing of such marriages we cannot say what to do with them. All that we can say is, that if they exist, and if the motives ascribed be true, the sooner an end is put to them, even by legislation, the better.

Enforced Widowhood.

Infant marriage is one, and enforced widowhood is another of India's social grievances We have had our say upon the first. We now take up the second, and try to do it what humble service we can.

2. Before we allow ourselves to be taken in hand by Malabari and led through his entangled argument, we must say that enforced widowhood is neither a virgin evil, nor is Malabari the first man to woo it. New ideas, new lights, poured into India with the advent of Western civilization. Regenerated India took a nearer view of widowhood, saw that it was hideous, and knew not how to excuse herself for her former blindness. This discovery was greeted by wail and groan. The few Malabaris of that day attacked the evil tooth and nail, and swore themselves into a band of social heroes who would kill it or themselves perish in the attempt. These passed away, and the evil remained as formidable as ever. With more time and more light every household could furnish its reformer or two. Numerical strength increased. With it came in a change of tactics. Action took the place of talk. A marriage or two were started and brought about. The evil awoke, and with one lusty shout shook Hindu society to its very foundations. Defenders flocked to it from all quarters. A pitched battle between the hostile camps was arranged. It was fought out, and though each claimed the victory, the practical issue was the defeat and total rout of the reformers. This was only lately. Since then there has been a lull. The evil shows a bold front and determined attitude. It would seem now reserved only for Malabari to make perhaps the last attempt. He seems superior in nothing to those who have gone before him. But he is quite unique in asking Government to be a party to the struggle. Government would do well to thoroughly examine Malabari's credentials before it steps into the lists, remembering that the evil has outlived many a storm from within. With this caution we proceed.

3. It is not difficult to see that Malabari hopes to carry the day, not by means of the old forces gathered together, better disciplined, and better armed, but mainly, if not wholly, by Government aid. This will make his "notes" a little more intelligible than what they otherwise would be.

4. Again here, as in infant marriage, Malabari's weapons are appeals to heart, sentiment, pride, to anything but calm reason. It is very difficult for reason herself to hold her own against the persuasive arts and clamour of these appeals. But let us try.

5. Malabari rises superior to the common reformer, and personally "does not approve of remarriage in either sex under ordinary circumstances." He does not endorse the vulgar prejudice "that the Hindu widow is a social danger, and must be married by force." He believes "that, as a matter of fact, the Hindu woman is an excellent type of womanhood in all relations of life." He also believes that there are thousands of young Hindu widows leading pure, if not happy, lives. He hears of a case, here and there, of a widow being guardian angel of the house or street, and consecrating her womanhood exclusively to works of charity, and he believes it. But this comfortable knowledge about thousands only fills him with misgivings and fears for the millions who are "simple misguided creatures, exposed to all sorts of trials and temptations, whose lives are a curse to themselves, and, in some instances, a standing menace to society."

6. This is really noble language, and a nobler heart that speaks it. But we sadly miss that substratum of facts and figures without which declamation can live and prosper, but reasoning cannot exist.

7. Speaking soberly, the first thing that strikes us is the very limited area occupied by enforced widowhood. Of the Hindus there are only a few castes that do not allow remarriage of widows. Again, widows who die before the age of puberty and women who become widows after 40 must be left out of account altogether. The first leave us when widowhood is hardly a reality; the second exist, but for whom all widowhood has lost its fears and trials, and whose position is not a little improved by their becoming responsible managers of their children's families. Thus, if we do not fail to find Malabari's thousands of a correct life leading widows, we shall surely seek but in vain for his millions of simple, misguided, erring creatures. As a fact, if every village in India were to be indented upon for its one or two widows "covering

shame" or trying to cover it because of their enforced widowhood, they will have to group themselves into forty and fifty to answer the requisition.

8. We fear woman in ancient India was not quite the equal of man. Perhaps now she is a little lower than what she was; but she has her rights and privileges still existing which are tacitly accorded to her, both when her husband is living and after he is dead. Her material wants are neither ignored nor disregarded. Her spiritual need is duly recognized and provided for. In short, all possible sympathy is shown to her miserable and forlorn condition, and everything is done to assist her to bear her peculiar misfortune with fortitude and equanimity.

9. As it is not the priesthood which deprived the widow of her husband, so it is not the priesthood which imposes on her a life-long widowhood. Both are freaks, if freaks they are, of agents who owe no allegiance to man. Religion was never the work of priests. She came into being before priests were known. In all religions, priests being the conservers of her dogmas and tenets and asserters of her rights and privileges, they are very inconvenient people for those who would strangle religion if they could. But that a religion is old and does not exactly suit us is no fault of the priest. Religion is as inexorable to them as to us. Priests suffer as much as laymen. They too have daughters who lose their husbands and become widows for life. The priests, too, if they believed religion a lie, would rebel against her.

10. We do not say that young and permanent widowhood is no evil. Far from it. Being but men we know what it is to thwart nature. We can gauge the irresistible strength of her desires, and can form a pretty correct idea of a widow's sufferings on this score. But we deny that the evil is so wide as Malabari believes, and doubt if such a forward and clamorous advocacy was at all needed. We recognise the evil in these reduced proportions and wish to see it expelled as heartily as Malabari does, though we may differ from him as to the means with which to expel it.

11. Malabari despairs of Hindu society altogether. He does not believe it to be a friend and an ally of this inhuman custom. He is aware that Hindus, old and young, orthodox and heterodox, educated and uneducated, have long raised the standard of revolt. But as no palpable results have yet been achieved, he has lost all faith in Hindu vitality, and would trust him no longer. The Hindu caste-ridden and highly conservative. He may talk much, but as for real action and progress, he is extremely slow. We have waited sufficiently long for him to work out the widow's salvation, but he has done almost nothing. Let us now look up to something higher and more potential, to that Government which has shown kindly feelings, wisdom, and power in putting down *sati* and infanticide, and which will only be too glad and too ready to take up actively the cause of the suffering widow, obtain for her instant and complete relief, and have only one more title to the hearty thanks of the unfortunate widow, the helpless Hindu, and of Malabari, their best and truest friend.

12. Malabari reasons in some such fashion as this. We really admire him for that heart which could feel so intensely, that head which could conceive so perfectly, and that pen which could describe so graphically the sufferings of a Hindu widow. But if our admiration could make us so far blind as to advise Government to commit itself, in the least, to the line of action proposed by Malabari, we should be no friend to ourselves, to the widow, to that confiding Government which has done so much for us, and, finally, to that good man Malabari. We state briefly why we think so.

13. The British Government is a Government of foreigners. It is foreign in everything—in race, religion, language, ideas, sympathies and antipathies. It must always act upon the broadest basis, and under the plainest and direst necessity, and, even while so acting, must always be ready to confess that it was in the wrong and retract, if necessary. As a rule, a Government like this cannot afford to move with that freedom in sectarian matters which is only possible for a Native Government which, with the people, forms a homogeneous whole.

14. A Government can reach its subjects only by legislation. But before it legislates, it must see if a necessity for a particular piece of legislation is made out, if the people are fit for it, and what is the percentage of those that will have to be forced to act up to it. Malabari in asking Government for legislation on behalf of the suffering widow has done all but this. It would be useful now to pause and examine a little more minutely a few of the arguments which he thinks would justify legislation.

15. Malabari does not approve of remarriage under ordinary circumstances. We do not know exactly what these ordinary circumstances are. But our knowledge of them is quite beside the purpose. But Malabari's approval is something, and a concession. By this approval the area of widowhood which he would have Government to legislate for is somewhat reduced, although we should have been glad to learn the probable extent of this reduction by knowing what sort of widows he would like to remain unmarried. Mr. Malabari is not one of

the species called the vulgar, and, therefore, does not believe that the Hindow widow is a social danger, and must therefore be married by force. This is a qualitative reduction as the first is a quantitative one, and we accept it. He believes there are thousands of young widows leading pure, if not happy lives. This is another quantitative reduction. If the life led is pure, we do not care if it is not happy, as happiness is seldom a commodity of this world, and purity will secure ample compensation in the next. In the same category come widows who are Malabari's angels of houses and streets, &c. They are a third quantitative reduction and are welcome. This makes up the credit side of the account, and will go against, and not in favour of legislation.

16. Now we shall look to the debit side. Malabari's millions of simple, misguided creatures entered here are not an ascertained quantity. It may be real or imaginary. We are sorry we cannot meet him with figures. But as Hindus we ought to know better. Again as belonging to a caste which does not allow widows to remarry, we ought to know better still; and we are firmly convinced that, taking the whole of India into consideration, the class of these misguided creatures is far too small to make legislation a necessity. At any rate the *onus probandi* lies upon him. He has rested his case upon vague generalities instead of actualities, or at least, calculable probabilities, and it is no fault of ours if we differ from him.

17. Malabari says modern India has made woman the inferior of man. But we say this is quite beside the mark. In classes which allow her to remarry she is inferior still, but her inferiority is no bar to her remarriage over and over again. He thinks a Hindu widow is not able to appreciate and protect her rights. But we reply that Act XV. of 1856, which was made specially for her, did not help her in the least in getting this appreciation, and therefore other legislation can only follow in its wake. First make her fit and then legislate. He believes that it is not in her nature to publish her wrongs. We say, amen, but we ask why not alter that nature by education, when she will complain as many of her sisters have complained and do complain? Legislation can do nothing. Her appeals to the Mother-Queen will be equally helpless, so long as she is allowed to be ignorant. Gods and goddesses may certainly do anything and everything. But so long as they do not choose to attend to her calls, legislation must simply wait. To say that the abolition of *sati* has widened and intensified the evil is as untrue as it is unlikely. *Sati* was rather the exception than the rule. If the institution of *sati* was restored to India to-day, it is highly doubtful if you will find one widow out of a thousand who will avail herself of it. It was suited only to heroic and sentimental times, and cannot exist under the realistic influences of the present age. Malabari seriously asks "Has caste the power to punish an act which the State recognises as legal and natural?" Caste answers "Yes," and adds that its opposition detracts not a feather's weight from the power of a Government whose only fault was, if a fault it can be, that its being foreign, laid it completely at the mercy of perhaps honest, but ignorant and headlong native advisers, and that whenever the caste goes one way and Government the other, it is not at all a question of their relative strengths. Malabari, says that the plea as to the *Shastras* forbidding remarriage has long been known to be untenable. Untenable it may be. But surely it is not for Malabari and others like him to decide upon this point. Remarriage of widows would, Malabari's objector says, cause over-population, and should, therefore, be allowed to remain in the state in which it is. This is not one of the usual objections made against it, but Malabari thinks it rational. We say, allow it any weight you may, still that little weight will be against, and not in favour of, the necessity of the legislation sought for. Caste has no objection to the widower marrying again, says Malabari. Admitted. But there are many other inequalities besides this which the caste allows. If Government removes one, it must remove all, and deal similarly with all other castes and their sub-castes and their subs again, perhaps to the tenth degree. No Government on the face of the earth will be found equal to this task. Malabari says that Government in rescuing the widow from self-immolation is bound to see that she has full permission to substitute another husband in the room of the one lost, and that too without the least social inconvenience to her. No such thing. By a parity of reasoning, Government is bound to cure one of his disease, since it does not allow him to commit suicide, which he seeks and constantly longs for, only because nothing else will put an end to his life-long sufferings. Government does nothing in the one, and will do nothing in the other case. So long as the caste will not allow, the widow must either take the caste or the husband. Malabari may not believe us, but we honestly tell him that the question of widow marriage is emphatically a religious question, and that *sati*, infanticide, and the rolling of the Jaganauth car, if religious questions at all, have only the semblance, and not the substance of religion in them. If Government takes away the restriction which religion places on widowhood to-day, we predict no "mutiny or rebellion." We are neither alarmists nor prophets. The causes of the great mutiny which convulsed India from one end to the other

remain unexplained to this day, and are as much a mystery now as they were a mystery 28 years ago. Large effects have large and complex causes, and he that would predict such a phenomenon as a mutiny is a daring and false prophet.

18. We have now done with our friend Malabari's arguments. We shall now see if the modified legislation he suggests is necessary, desirable, and safe, and will answer the end in view.

Rule I.—This is hardly necessary. If a girl who has lost her husband chooses to marry again, the caste, whatever its anxiety to the contrary, has no means to prevent it, provided she is ready to leave the caste and undergo all that which loss of caste means and includes.

Rule II.—Here the difficulty is first, who is to suspect, and then, who to arrange, to verify the suspicions. Government will have to get this done through some agency paid or unpaid. This would cause constant and audacious interference with the proverbial even tenour of life which a Hindu household leads. Hence the danger.

Rule III.—Every widow has already the right to complain of social ill-usage. Facilities, such as exemption from stamp duty and free counsel, may be afforded.

Rule IV.—The priest's right to excommunicate must be kept intact.

19. It is very significant that no Hindu reformer of any standing has yet applied for Government interference. He has grappled with the evil so far as he could without calling in Government aid. He has done much, and has not yet ceased from his labours. With time and patience he bids fair to succeed. It is enough for Government to know that even he who ought to be, from his reformed instincts, the first to apply for Government aid has that tender and lingering regard for the traditions of his caste which looks with extreme jealousy on all interference from without.

20. After a most anxious consideration of all the bearings of the subject, we believe that all direct interference should be avoided by Government. Education, to which Government has so long trusted for all social reforms among its Indian subjects, which has made us so much unlike our fathers almost in everything, will not fail to do the same for women. If Government feels for them, of which there can be no doubt, let it spend as much money as it can to educate them in Western knowledge and ideas. Once so educated, woman will hold her own against both caste and priest, and not only enforced widowhood, but many other evils of which Malabari knows nothing, will be mere matters of history.

XI.

From Mr. RAGHUNATH B. TALVALKAR, B.A., Officiating Head Master, High School, Amraoti, to the Deputy Commissioner, Amraoti District,—dated Amraoti, 3rd March 1885.

I have the honour to submit my opinion on Mr. Malabari's notes on infant marriage and enforced widowhood as desired in your office No. 1323 of 1884, dated 8th December 1884.

2. Mr. Malabari in his note on infant marriage in India describes the following chief evils as resulting from that custom: (1) Ill-sorted and unhappy matches; (2) early widowhood; (3) absence of free will in making the choice; (4) physical degeneration of parents and children; (5) obstacles to education of boys and girls; (6) dependence and poverty; (7) over-population. To remove these evils, some of the remedies suggested by him are (1) that due notice being given married students should be excluded from University examinations; (2) that other departments of the State should make similar rules excluding married men from public service; (3) that educated men should form themselves into an association and take a pledge not to marry under a certain age; (4) that an educated man should not marry a girl too much under his age; (5) that the evils of such marriages should be described in school books; and (6) that executive Government officers should show friendly sympathy in the matter. No doubt the custom of child marriage prevalent among the Hindus and some other races in this country leads to many evils, and its abolition would greatly contribute to the progress of the people, material and moral. But social customs and prejudices of so long a standing cannot be swept away all at once. We must be patient; education and enlightenment alone can slowly, but surely, root them out. Before a remedy is applied to any evil, its extent must be ascertained; and it seems to me that Mr. Malabari has over-painted the evils of child marriage generally, and is an erring enthusiast in proposing some of his remedies. It appears from the report of the last census that among the Hindus the proportion of boys married under 10 years of age to the total number of boys under that age is, in Bengal, 5·5 per cent., and is higher than that in other provinces. In Berar that proportion is 4; and in Bombay, 2·5. Similar proportions for girls under 10 are 14 per cent. in Bengal, 21·7 in Berar, and 10·5 in Bombay. The Central Pro-

vinces, Madras, North-Western Provinces, and the Punjab show these proportions for boys and girls comparatively lower than those of Bengal, Berar, and Bombay. The percentage of girls married under 10 in Berar, it is to be observed, is the highest. Early marriages in some sections of the Gujarathi Brahmins are very rife; but this is only an exception. Now, if these Brahmins are excepted, the number of boys married under 15, in the Bombay Presidency, is 6 per cent., while girls married under 15 is not more than 30 per cent. This is the real extent of the so-called infant marriages in this country; and I admit it has its evils.

On consideration, I think ill-sorted and unhappy matches are not peculiar to the system of child marriage, nor can it be maintained that there are a larger number under this system of marriage than under any other. Mr. Malabari admits this when he says "the union turns out happy in a large number of cases." He does not definitely say what should be the marriageable age of boys or girls, so that the evils complained of may be obviated. Our *Shastra*, or caste, requires only that girls should not remain unmarried after puberty; and for obvious reasons this rule is salutary until education enlightens our females. There appears to be no rule, social or religious, restricting the age after which men should not remain single. Early widowhood and obstacles to education of boys, and particularly of girls, are evils of early marriage, real and enormous, and they would be diminished undoubtedly in proportion as the limit of marriage age for boys and girls is increased. Absence of free will on the part of those concerned (however desirable its exercise may be) has not done us any harm, for parental control is found, in most cases, sufficiently beneficial, and I should consider it necessary to guide the inconsiderate youth. I am not sure if over-population is an evil attendant upon early marriage. But surely progeny at an early age makes parents dependent, and involves them in cares earlier and certainly enhances their misery, howsoever caused. The most enormous evil of early marriages or rather of early consummation of marital troth is indeed physical degeneration of parents and their offspring. Family cares deprive a man of his independence and spirit of enterprise, and the earlier these cares beset a man the sooner he becomes helpless and grovelling. Youth is a formative period of life, and in a country wherein its youths are not free to enjoy their independence a long time there is no hope of the growth of enterprising and energetic characters. That country must remain far behindhand in the race of material and moral advancement. For this reason alone, if for no other, I would welcome any scheme of real and enduring reform, if that scheme were shown to be practicable and effective. I am persuaded to believe that it is only a spontaneous action of a community that makes a social reform sure and lasting. Such action can only be evoked by conviction, and conviction can be brought home by education, and not by compulsion in any form. Mr. Malabari's expedients to do away with the injurious custom of child marriage have, most of them, a colour of compulsion, and besides I have doubts as to their being workable or advantageous upon the whole. Let alone the question of Universities having a right to impose any other than intellectual tests to award its honours and prizes, any rule which a University may make to exclude married men from its door would, in my opinion, affect prejudicially the interests of higher education. Besides, the effect of such a rule in its application would be very inappreciable. Likewise, if married men were excluded within certain limits from public service, I doubt if the State would be a gainer by it at all. I should think married employés are more steady than unmarried ones. Then again such a restriction having no relation to the work to be done would be unfair. Another expedient suggested is that educated men should form themselves into an association and take a pledge not to marry under a certain age, nor marry a girl too much under their age. Under present circumstances educated men are seldom to be found bachelors; nor is it easy to get grown-up girls marriageable. Such pledges, therefore, would be inoperative for some time to come, and are, perhaps, of doubtful efficacy. All that educated Natives should at present do is, I should think, that with all their efforts—by publishing tracts or delivering lectures, by enlisting the sympathy of influential officers or provoking discussion on the subject through public associations and leading journals (as Mr. Malabari and our reformers advise)—they form a strong public opinion in favour of a reform in connection with this and other pernicious social and religious customs. Female education, for which determined efforts must always be made, would not be an inconsiderable factor in bringing about reforms in our social life. I might say their enlightenment is an indispensable condition. The real obstacle to reforms of this kind is neither religion nor caste. Both have begun to loosen their hold upon us. It is in the family and among the relatives. A distinguished Native gentleman in criticising upon Mr. Malabari's notes says: "In our households we are perpetually at war with our dearest and nearest; we struggle and strive to do our best, and have perforce to stop at many points when we fear the strain will cause a rupture." Here lies our great

difficulty in the solution of social problems; and I earnestly hope that the judicious endeavours of our reformers in promoting the cause of female education will at no distant date bear happy fruits and pave the way to our national regeneration. I am one with Mr. Malabari when he says "The Educational Department may give a few chapters in its school books describing the evils in its various forms." The State may offer indirect inducements to students remaining unmarried up to a certain age. The two objectionable forms of early marriage, described by Mr. Malabari at the end of his first note, involving disparity of age, are revolting indeed, and though their extent is very much limited, society should determinedly put them down at once. I have so far reviewed Mr. Malabari's first note and shown that it involves exaggeration when it describes the extent and the evils of infant marriage, also that reform in purely social and religious matters, to be lasting, must proceed, in these days, from within—from the people themselves, and that any compulsive devices contrived to carry through a reform are likely to fall short in accomplishing their benevolent objects, and to lead to unexpected evils.

Enforced Widowhood.

3. Mr. Malabari endeavours to make us believe that enforced widowhood is a general curse of the whole Hindu society. He believes Hindu widows are, in most cases, misguided creatures exposed to all sorts of trials and temptations; they are denied all rights as members of society, and are subjected to perpetual sufferings—a slow burning to death; and they are a source of immorality and crime. Those who are familiar with Hindu domestic life will not certainly endorse these vague and sweeping statements. Nothing can be further from the truth. Mr. Malabari appears either to be ignorant of facts or sedulously hides them in order to deceive unwary foreigners into believing as a universal calamity what in reality is but an evil within contracted and narrow limits. Among the Hindus, widowhood is not generally enforced; remarriage is allowed to widows in most castes and classes. It is only among the Brahmins and in a few semi-Brahminical castes that religion forbids remarriage of widows Enforced widowhood is thus a sectarian evil, and its area is therefore very much circumscribed. Mr. Malabari does not approve of remarriage in either sex under ordinary circumstances; nor shares the vulgar prejudice that the Hindu widow is necessarily a social danger and must therefore be remarried by force; he admits as a matter of fact the Hinduani is, by blood and tradition, an excellent type of womanhood in all relations of life; further, he says to be sure there are thousands of young Hindu widows leading pure, if not happy lives; he hears of a case now and again in which the widow is the guardian angel of the house and the street, who, while she mourns her lot, consecrates her womanhood exclusively to works of charity, cherishing hope of union in a better world. These statements of Mr. Malabari's, which are simple truths, are so many limitations of the extent of the evil of widowhood. But where are the misguided millions, desecrating the shrine of every village and trying to hide their shame? Perhaps they move in Mr. Malabari's world of fiction. I cannot conceive that kinsmen and friends at whose mercy the widow is placed, and who are of the same or like blood, are in most cases, unsympathising persecutors, not disposed to do what might comfort her in her forlorn condition. Modern India has not deprived woman of any rights of which she was possessed in ancient times. She enjoys them still. Her status has ever been subordinate, but not much inferior, to man, who has been always her guide and guardian. The class of misguided widows is very small, and our reformers have been endeavouring to remedy the evil. The religious aspect of the question was hotly discussed about 15 years ago at a conference at Poona, between the shastris, who are the conservers of religious dogmas, and our lay reformers, but the result was indecisive. The reform party has now directed its efforts to educate women, and are, I think, now moving in the right way. As long as women cannot appreciate their rights or the endeavours made in their behalf, as long as they continue to be willing victims to perpetual widowhood, and look to the next world for compensation and reward of their martyr's life, their grievances will be published in vain and the piteous appeals and memorials to the Collector or the Mother-Queen will not avail them much. Let all means therefore at disposal be employed by our reformers and Government to raise the condition of the Hindu woman, wife, or widow, by education, so as to enable her to appreciate her position and stand upon her rights. Let the evils be recognized as evils by those who are affected by them, and a way is opened for a durable reform in all social matters. The overpowering influence of caste or priest, custom or tradition, shall then vanish of itself. Sir H. Maine says that moral opinion and social necessities are more or less in advance of law. The only justification of a new law is that it is called for by the prevailing moral opinion and by pressing social necessities. The British Government wisely abstain from all interference in religious and social questions, and Mr. Malabari is mistaken when he impatiently asks for Government aid to do away

with the custom of widowhood. I do not therefore approve of Mr. Malabari's measures, which are impracticable and unnecessary. In one place Mr. Malabari says the State has rescued the widow from the flames, presumably for remarriage, which caste disallows, and hence there is a conflict between State and caste; and he seriously asks who is stronger. His presumption is wrong and unsound. There is really no conflict between State and caste. Each has its sphere of action distinct and independent, and there is no reason why the State should encroach upon the rights of caste. Again he says the State abolished *sati* and infanticide and the rolling of the Jaganauth car; and there were no mutinies, no rebellions. True. And there might not be any such hostile demonstrations if Government were to make a law for the abolition of widowhood. But that alone does not justify Government action. Can Government undertake to remove all social abuses of the people of India by law if it were assured that there would be no mutinies or rebellions? And does anybody who knows that social changes grow and are not made, think that State measures would be competent to eradicate all such abuses? Rebellions and mutinies are large results of large causes; and it is dangerous to predict whether or not they will result from particular causes. Another sophistical argument advanced by Mr. Malabari to bring round Government to his erroneously conceived views is that having abolished *sati* Government is bound to abolish widowhood. It must be remembered that *sati* was an exception, and not a rule. Does Mr. Malabari hold that if the Government punishes an attempt of suicide or homicide, it is also bound to remove disease or want that oft times prompt such crimes? No. Both would be equally unsound corollaries. Claims of morality, too, cannot justify State interference. That may possibly change the form of bad effect and change their incidence, but cannot mitigate the sum total of immorality so long as the general moral tone of society is not improved by internal development. Mr. Malabari says we must move with the people. I admit it; but the people are not ready, as Mr. Malabari fancies, to move to call in the aid of legislature. We have had amongst us many social reformers, and their exertions have been directed rightly or wrongly; but it is significant that none were so bold as to ask for a law to assist them. I have thus examined Mr. Malabari's second note on enforced widowhood, and expressed my views upon it. It seems Mr. Malabari has strung together a number of unconnected bits of our social life and has tried to make out a strong case against widowhood; but has certainly failed in the attempt. Hindu society is very conservative, and its customs have outlived many revolutions. If they are to be improved, the only way, I repeat, is to create sound public opinion, to develope both the intellect and the feeling by Western light.

XII.

Views of Mr. KESHEO RAO, Clerk of the Court of the Commissioner, Hyderabad Assigned District.

Mr. Malabari's notes on the evil customs prevailing amongst Hindus have been carefully perused by me. Recently the notes have attracted so much public attention that the subject therein treated has been fully discussed in most of the English and Native journals. The subject is really one which demands the sympathies of the Hindu communities in general. But it must be remembered that the evils complained of in Mr. Malabari's notes are not such as can be put down by any act of legislature, but they can best be remedied gradually by the influence of society and by the advancement of education.

2. With regard to the suppression of the evils attending on infant marriage, Mr. Malabari has suggested certain remedial measures, but these measures, as will be seen, are not very efficacious. The reasons why Mr. Malabari's proposals will not be efficacious are these:—

(1) Mr. Malabari's proposal to ask the educational authorities to proclaim by notice that no married student shall be eligible to appear at the University examination is not only to request Government to interfere in religious matters, but to shut up the doors of the Universities against the Hindu youths, since almost all the youths have been married long before they entered the high schools. Hindus are enjoined by their *Shastras* to get their daughters married at a certain age, and if any restriction, as is proposed by Mr. Malabari, is placed on their marriages (as they certainly will be when it is declared that no married student will be admitted to enter the Universities), their religious feelings will be much injured, and therefore it would be contrary to the policy whereby the British Government have declared neutrality in matters concerning religion.

(2) Mr. Malabari's proposal that the University graduates should take a pledge not to marry under a certain age is hardly suitable, since a vast majority of the graduates have married

long before they have passed any of the University examinations. The proposal should have been that the graduates should take a pledge not to get their sons and daughters married under a certain age.

(3) Would it not look ridiculous if Government authorities were to ask any person whom they wish to employ, whether he is married or not? What has the marriage to do with the fulfilment of the object for which a man's services will be entertained? All that a master expects from his servant is honest and able discharge of the duties entrusted to him. Moreover, a married servant can be more relied upon than a bachelor.

(4) How can the evils consequent on infant marriage be avoided by introducing a few chapters on the subjects in our school books so long as the present system of marriage exists. Under the system of marriages now in vogue a boy has no voice in the affairs of his marriage. He is married at the will and pleasure of his parents, and therefore even if a boy by reading the chapters were to realize the evils of infant marriage, he cannot go against the wishes of his parents, when they wish to get him married; and if the boy is not able to go against the wishes of his parents, what benefit would be derived by reading the chapters which Mr. Malabari proposes to introduce in our school books? This suggestion can hardly be carried out at present; but it may be suitable when the parents of a boy are educated.

It would therefore appear that, though the evils attending the infant marriage are clearly stated in the note, the suggestions made by Mr. Malabari for the suppression of these evils are not altogether suitable. It may be borne in mind that the practice of infant marriage among certain classes of Hindus is going on from time immemorial, and cannot be stopped suddenly without creating ill-feeling.

What I would propose to do is to leave the matter as it stands until the Hindu society is able to take it up. Since education is daily making its strides both among males and females it should be left for these would-be educated members of the society to take steps to eradicate the evils which are now sought to be put down by Government aid.

Mr. Malabari talks of an objectionable form of marriage, *i.e.*, a girl of twelve or fifteen is married to a boy of eight years. In making this statement Mr. Malabari has shown some ignorance of the rules of marriages among the Hindus, and specially among the Brahmins. The system alluded to in Mr. Malabari's note may be prevalent in some particular sect; but Mr. Malabari should not have made a general remark as he did.

With regard to Mr. Malabari's notes on enforced widowhood and the suggestions he has made on behalf of its suppression, I do not think any of the measures suggested in the notes would be liked by the public. The educated Hindus have already given their thoughts to this important subject, and there are several instances in which Hindu widows have been remarried. As education advances the people will naturally not think of their children getting early married, and this step would greatly help in reducing the number of young widows.

From the Hon'ble H. St. A. Goodrich, Madras C.S., Additional Member, Legislative Council, to S. Harvey James Esq., Secretary, Legislative Council, Government of India,—dated the 22nd January 1886.

I have the honour respectfully to submit, for the consideration of the Council, if it can be accorded thereto, a paper embodying the views of certain Hindu gentlemen, who in communication and concert with me, have during the past year discussed the possibility of success in the discouragement of child-marriages, and in the amelioration of the condition of widows amongst Hindus as the result of legislation.

2. I found a consensus of opinion amongst the most enlightened and experienced of the Hindu gentlemen whom I consulted that the time has come for a fresh advance in the direction of these reforms: but I also found great diversity of opinion as to the nature of the legislation likely effectually to serve the cause thereof, and on one point alone did the reformers appear unanimous, *viz.*, in a determination to cast the odium of what may be called in some quarters an attack on religion, upon Government or upon the official introducer of a remedial measure.

3. Thanks to the courtesy of the Law Member, I have been permitted to see the recent papers wherein the proposals of the Poona reformers are discussed. Messieurs Malabari and Ranade's suggestions for a drastic measure would seem to have commended themselves to Mr. Whitley Stokes, and as he indicated his opinion of the stage at which the discussion has arrived, by promulgating the draft of a Bill, a similar form has been given to the suggestion in the enclosure.

4. I would state *in limine* that I would not have submitted any such proposal had I not found that there exists a real demand for reform in an important section of Hindu society in Madras, and considerable support for the proposed method of effecting or rather aiding the reform;

I further believe that an Act framed as a permissive Bill in accordance with the proposal would do some good without aggrieving classes or individuals. I have received neither counsel nor countenance from the Government of Madras in this matter.

5. In the opinions of the Governments and officers lately consulted, I observe indications of a conviction that the desired reform may be at least indirectly assisted. The question seems to be one as to the amount of change in the circumstances of Hindu society which has taken place since the discussions of 1872.

6. The proposal submitted does not extend to the provisions of any statutory form of marriage by civil contract for persons of the Hindu religion : but whether this disability should not now be removed is a question which must be discussed if the proposal itself were to become the subject of debate.

7. The majority of those who have favoured me with opinions upon the proposal in the enclosure, doubt whether the measure goes far enough, but the patent objections to a more drastic measure would deter most of these critics from moving at all.

8. The subject is discussed with amplitude of illustration, by Sir J. Fitzjames Stephen in the Proceedings of the Council, 16th January 1872. The following brief statement of his views seems to indicate that the proposal might, to some extent, be supported by the great weight of his authority. (While not conscious of a garbled citation, I would ask reference to the report of his speech.)

9. He presses all the following points; we must distinguish with regard to their fundamental discrepancy between the (*a*) European view, and (*b*) the Hindu view of the question :— (*a*) marriage is a contract between two persons capable of understanding and fulfilling the obligations incidental to such contract; (*b*) a father can and ought to give his daughter in marriage during her infancy at his own discretion.

Anglo-Indian law holds that Hindu marriage must be regulated by Hindu law.

In relation to the subject of marriage, Hindu law and Hindu religion are one and the same thing.

Hindu law (or customs having the force of law) should not be changed by direct legislation. It may, and *ought* to, be moulded by the courts of justice, so as to adapt it to the changing circumstances of society.

By recognizing the existence of the Hindu religion as a personal law in the matter of marriage, we have contracted an obligation to enforce its provisions in their entirety upon those who choose to live under it.

But Hindu law is a personal law, from whose operation he who lives under it has the right to withdraw himself.

It is not admitted that the customs as to widows' disabilities and child-marriage are a part of Hindu law, but if they were, Act XXI. of 1850 declares the right of each subject to change his law and religion without forfeiting any rights involving the possession or inheritance of property.

The subject-matter of the personal laws subsisting in British India does not admit of their being invested with a penal sanction. Hindu law is a personal law, from whose operation he who lives under it has the right to withdraw himself. We have, by establishing the general principle of religious freedom, contracted the further obligation to protect those who choose to leave the Hindu religion.

cf. The disabilities advocated by Mr. Malabari.

It would be very rash to declare in an enactment general principles under which *irregular* Hindu marriages should be held good or void, but this much of European law has been introduced into India,—the principal test of the validity of a marriage is the good faith and intention of the parties, *not* the form in which the marriage is celebrated.

Rough Draft.

Whereas child-marriages are customary amongst Hindus, and whereas it is expedient to protect the children who are married from some of the evil consequences of the custom; It is hereby enacted as follows :—

1. This Act shall come into force on , and shall apply to to all Hindus who may enter into a contract of marriage within British India after the date aforesaid.

2. The word "childhood" in this Act denotes the civil condition of those who have not completed their twelfth year of life.

3. Every woman or girl who, having been married in childhood, becomes a widow during her childhood, or thereafter (if such marriage shall not have been consummated), shall be entitled to maintenance under this Act.

4. The claim to maintenance of each such woman shall not be forfeited by her remarriage. Further payment of maintenance allowance may however, by agreement on the occasion of or in contemplation of such remarriage, be commuted wholly or in part for a payment of a lump sum. She may not remarry during her minority without the consent of her guardians.

5. The estate of the parents or guardians who gave the girl in marriage and that of the parents or guardians of the husband and that of the husband himself shall be jointly and severally liable for the claim to maintenance created by this Act; a share in joint property shall be alienable in satisfaction of this claim by the coparceners:

Provided that the estate of the widow's family shall only be proceeded against in the event of the estate of the husband and his family having been found insufficient to satisfy the claim:

Provided also that the estate of the parents or guardians of the husband shall not be liable if the husband had attained his majority when he married.

6. Every man or boy who, having been married in childhood, has become a widower in consequence of his wife's death during her childhood shall be entitled to a payment from the parents and guardians of the girl whom he so married of a sum equivalent to that which he or his parents or guardians on his behalf expended upon the occasion of the marriage ceremony.

7. Claims to maintenance or expenses under this Act shall be adjudicated upon by the Chief Civil Court of the district in which either husband or wife may have resided at the time of the marriage. Such Court shall be addressed by petition, and may receive and record, for its assistance in assessing the amount of maintenance or expenses to be in any such case awarded, the opinions of two assessors of the same caste as that to which the parties who entered into the contract of marriage belong.

8. The said Court shall award under the head of maintenance an allowance sufficient to provide (1) lodging, (2) food, (3) raiment, (4) medical attendance and (5) education; all on a scale suitable to the social position of the claimant. It shall also award such sums as may be needed for the legal charges incurred in establishing or maintaining her rights under this Act. The widow on attaining her majority shall be entitled to choose her own domicile.

The misery of the state of slavery is such that communities of men wherein custom sanctions slavery, have been found willing to submit to the danger of political disturbance and the burden of great outlay as evils to be lightly borne, if the abolition of slavery could be purchased by such submission.

2. The status of the Hindu widow is a state of slavery, and the customs of Hindus have the effect of multiplying the number of widows above that observed in countries whose social order is different from that of India.

3. In 1881, in the territories directly administered by the Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, the Punjab, and the Central Provinces there were found amongst the Hindu (including the Sikh and Jain) population:—

Girls.	Under ten years of age.	Between ten and fifteen.
Single	17,902,743	3,210,647
Married	1,588,656	3,746,477
Widows	54,579	146,109

More than one-fifth of all the girls in India are therefore either wives or widows, but the influence of the great mortality incident to the years of tenderest infancy must not be forgotten in considering these figures.

Again, nearly one-fifth* of all the women in India are widows, although only one-twentieth† of the men are widowers, the difference in the numbers of the widowed being mainly due to the large proportion of the girls who contract marriage in childhood, combined with the fact that men remarry as a rule and women do not.

* 19 per cent.
† 5 per cent.

The number of wives and widows in each thousand Hindu girls under fifteen years of age is, in Bengal 272: Bombay 257: N. W. P. and Oudh 200: Madras 128: the Punjab 155.

4. This status of widowhood I call a status of slavery on the authority and express personal testimony of Hindu gentlemen, who desire that the widow's life should be rendered less miserable and that the door of escape from widowhood should be opened to her in reality and not merely in name.

5. I leave to Pundits the discussion of the religious sanction for the practice of the marriage of children. Whilst the best authorities concur in denying that this practice is enjoined, the custom is the rule of family life amongst the most highly civilised classes of the Hindu community.

6. The Government have, in pursuance of their almost invariable policy, waited patiently for a sense of the necessity for reform and an agreement as to the measures of reform expedient to be manifested amongst Hindus. The divisions due to the system of caste have incapacitated Hindus of different classes for united action in repression of social evils. There is a very general agreement as to the need for some reform amongst the most educated and refined classes, but no two reformers agree as to the remedy to be applied.

7. To carry the reform by the democratic method we must have, to follow the prophet and leaders of the movement, a great body of converts interested in the reform. Now about three-fourths of the nation permits widows to remarry and at least half the nation does not marry girls under twelve years of age : the masses therefore will not move to relieve themselves of a burden which they do not bear. Of the higher classes the vast numerical majority are slaves to these customs and regard their observance as a badge denoting their rank, whilst their wealth and position relieve them in some slight degree from the worst inconveniences of their servitude.

8. Numerical strength is the first condition of success for the remarriage party. The cause of that party the legislature can further by founding what I will call cities of refuge for those who have thrown off the yoke, and by indirectly assisting in the constitution of a class sufficiently numerous to disregard excommunication. Excommunication fulminated against a large section of a community loses most of its terrors; and, as the dissenters from Brahminical custom multiply, they will form a rapidly increasing body desirous of living under the earlier law and usage which permitted remarriage and did not sanction child-marriage.

9. They will need the courage of their opinions, but remarriage is not now regarded as mere concubinage. The provision of a form of statutory marriage by civil contract is not here proposed; but a power might, I venture to hope, be exerted which would call the self-interest of many to the help of those who have been married and widowed in childhood, and would operate indirectly upon Hindu society so as to better the condition of all widows. The law may, on recognized principles, be called in to remedy the injury suffered by those whose marriages have been arranged for them during their childhood.

10. The prohibition of the marriages of children from a fixed date or the invalidation of such marriages when celebrated, the punishment of celebrant priests, of parents, guardians or witness ;—all such violent remedies could be justified only on proof that the evils their application would produce can be proved to be lighter than the continuance of customs sanctioned by the memories of the domestic history of the living and by the traditions of the family life of many generations; nor is it doubtful that those customs are widely believed to possess the sanction of religion. An ancient custom rashly interdicted would not want for martyrs were compliance therewith rashly deemed a crime.

11. I would propose to lay no more restraint upon the people generally than certain of their most honourable families lay upon themselves voluntarily and from an assurance of the expediency of the self-imposed restraint. Such families maintain each within the circle of its own immediate influence, a custom of delaying marriage until the tenth year, and the pith of my proposal is to make it plain that it is to the personal material interest of each man to conform to such a custom.

12. The principle justifying the proposed measure is no matter of controversy. It is; 'Parents and guardians may be lawfully restrained from binding their infant children or wards by contracts whose effects may prove injurious. Where it may be expedient to suffer such contracts it is lawful and expedient to provide that on proof of injury having resulted, compensation to the injured shall be secured.'

13. The existing rights of the widow to maintenance and to remarriage are weapons whereof she does not know herself the possessor. They must be placed ready to her hand and she will be restored to her title, to a reasonable chance of a free and happy existence.

14. An Act for the protection of those who have been married during childhood might be expected to operate so as to (1) deter men from entering into contracts of marriage with children, and parents and guardians from arranging such contracts for children : (2) to ameliorate the condition of widows who have been married in childhood : (3) to greatly increase the probability of the remarriage of such widows.

15. If the cautious application of sound principles, the avoidance of the imposition of any novel disability upon any individual or any class, respect to all existent privileges and to

religious sensibility, be the conditions under which the legislature will come to the help of the victims of wedlock contracted in childhood, it is hoped that a measure of the nature of that proposed may be accepted for discussion.

'Si quid novisti rectius istis Candidus imparti; si non, his utere mecum.'

H. GOODRICH.

No. 159, dated 28th January 1886.

Endorsed by the Government of India, Legislative Department.

Transferred to the Home Department for disposal.

Extract from the Proceedings of the Government of Madras, Public Department No. 139 Mis., dated 22nd January 1886.

Read the following :—

Letter from the President Founder, Hindu Sabha, dated December 1885.

I have the honour to submit by packet-post 25 printed copies of Hindu Sabha notes in explanation of orthodox Hinduism on the subject of marriage, to be recorded and considered by Government in the Executive and Legislative Departments.

Mr. Eustace J. Kitts, in his compendium of more than eight hundred important castes, gives the strength of the Brahmin caste at over thirteen millions. I believe he has included the Golakas and Punarbhoos mentioned in the notes, as well as the heterodox and the Jains. And allowing a very liberal margin of twenty-seven millions more for the other castes who wish to share the sanctity of the Brahmins, I have stated that adult marriage and remarriage of women are in vogue amongst four-fifths of the total Hindu population of two hundred millions. All these are *orthodox, i.e.*, such as respect the church and caste system.

The *heterodox* agitators are a few hundred scattered malcontents from all castes who have not the moral courage and the honest self help to settle into a community like the Brahmos or the Sikhs. They are welcome to exercise the right of private interpretation of their favourite scriptures and texts, but have no right to speak in the name of the Hindu nation and of the Hindu church.

I shall venture to add that miscarriage and infanticide are much more prevalent amongst maidens, wives and widows who are allowed to marry than amongst widows who lose *caste honours* by marriage.

ORDER THEREON.

Copy of the above letter and of its enclosure will be forwarded to the Government of India, Home Department, in continuation of letter No. 2250 (Public), dated 24th September 1885.

HINDU SABHA SERIES.

No. 1.

I beg to point out in a few words that the Hindu Women's Remarriage movement or the agitation against infant marriage and enforced widowhood is, firstly, based on false assumptions, secondly, supported by false arguments, and thirdly, prosecuted for sinister purposes.

First.—There are Hindus *and* Hindus and there is marriage *and* marriage. Hindu religion and law are graduated to the different *Castes*, and there are at least three castes Satva Rajo and Tamo in each *Varnam*, the low castes being counted as a fifth or Apara Varnam. Varnam is not the colour of the skin but of the socio-religious inner man. *As a Hindu merely*, women may marry and do marry at any age and any number of husbands. Four-fifths at least of the Hindu population are of this middle order technically called "Golaka or Punarbhoo." The low-caste millions have this freedom, and there are Golaka Sudras, Golaka Kshatriyas and even Golaka Brahmans. The movement or agitation falsely pretends that adult marriage and remarriage of Hindu women are not in vogue and that those so marrying are persecuted. The Golaka Hindus are happy and received into society *as such*. The Pandavas and Kauravas of the Mahabharata and the Rajahs and Chiefs of the present day in Malabar, Cochin and Travancore are of the Golaka or Punarbhoo caste. The reformers and agitators need not any fuss fund or Government or European help to join the middle Varnam or the low castes.

Secondly.—Even in the case of the Golakas there is *an early marriage besides the adult marriage. That* is the putting of a girl into the religious way under the care of a bridegroom master or Guru, but *this* is the acceptance of a husband for wordly pleasures. Early marriage is known

as Vivaham, Panigrahanam, Kallianam, Talikettoo, &c.,; and adult marriage as Sobhanam, Ritusanto, Thirakshi, Sambundham, &c. Even in the Golaka castes early marriage is only *once for a girl's life-time,* and the Guru-Bridgroom is entitled to the girl's *religious* regard whether she accepts him as husband or not. I cite the Princes and Princesses and the whole Nair population of Malabar and Cochin and Travancore as my witnesses. Early marriage purifies her nature and protects her development from elementaries and elementals. For secular reasons if children are to be vaccinated and put into the ordinary schools as children: so also for religious reasons children have to be invested with the thread and married as children if they belong to the Golaka order too of the higher varnams; and *a fortiori* if they belong to the highest section. The argument that infant marriage is irreligious and that religion has nothing to do with any marriage shows simply the ignorance and irreligion of those who urge it. Caste *Honors* are reserved for those true to and born of the secred marriage initiation, for they are more fit to address the Devas, Rishis and Pitris.

Thirdly.—The movement or agitation then has to do only with one-fifth of the Hindu population among whom the girls will accept only the bridegroom of the sacred marriage as their husband and failing him will take the veil and be celibate. If they are unfit to take the veil and be celibate, they have only to take the *status* of the vast Golaka majority. Adult marriage is optional and celibacy meritorious in all castes and in all creeds and races. The object of the movement or agitation can only be to deprive the minority of the merit of a rigid devotion to their Guru. Is not this a sinister purpose based on envy or jealousy? If the purpose is reasonable, legal and religious, why are these reformers and agitators unable to stand on the merits of their case, especially with the vast majority of Hindus at their back, who have ever loyally practised what is now offensively preached, why court the help of Europeans and Missionaries too? Birth and death are the effect of Karma and adult marriage of the flesh is the execution of that law. Hindu religion and law recognise and regulate the evil but cannot commend and honour it as a merit.

☞ Please say how far you agree with me or differ from me, with your reasons.

TRICHOOR;
The 7th December 1885.

A. SANKARIAH, P.F.H.S.

HINDU SABHA SERIES.

No. 2.

The Hindu Law of Widow's Inheritance of M. R. Ry. Raghoonatha Row.

The Diwan Bahadur complains (1) that virgin widows are made to inherit, (2) that widows forfeit inherited property if they remarry, and (3) widows who lead an unchaste life do not forfeit property.

My friend and his followers seem to forget that the widow has *only a life-interest* in her husband's property and that *only in castes* in which marriage makes her a part of the husband and that again *only in consideration for* her promoting *his* family and spiritual interests. I have shown elsewhere that the sacrament of early marriage makes the girl the pupil helpmate and part of the man as the sacrament of early Oopanayanam makes him pupil associate and part of the Guru. These inviolable sacraments are typical of the union of the soul and spirit and are the first steps in the training to tame the physico-intellectual nature. The Brahman church is holy and apostolic like the Romish Christian, but whereas Catholics hold that their sacred orders should not lead a married life at all, the Hindus allow their Brahmans to lead a married life only with women bound to them by the early marriage sacrament. The object is just to carry on the church's life on earth. Complaints (1) and (2) are therefore opposed to the fundamental principle on which the widow's right rests.

As for complaint (3), I would ask (*a*) Are not some wives and maidens unchaste? (*b*) Who is to spy out and prove the unchastity? (*c*) Is not the erring widow mentally and formally at least devoted to the deceased husband? (*d*) Will not the next heirs and others make sometimes false charges to get at the property of the widow? If any widow is licentious enough to be excommunicated by the priest and headmen of the caste, or if she is convicted of the offence of causing miscarriage or infanticide, the High Courts would then I believe be justified in holding that she has ceased to be the wife of the deceased husband and therefore forfeited her life-interest in his property.

The Hindus also have much neglected the diet, the moral training, the theosophic practice and the supersensual aspiration which made their brave ancestors (men and women) spurn the pleasures of their lower nature at the call of duty patriotic and religious, and they pretend now

to be enlightened leaders who wish to encourage lustful glances on widows and jest with priests and rites.

The *Hindu* justly says that New India will not concede to a newly created aristocracy the right of control over the society in its political or its religious interests. But it is quite practicable and absolutely necessary to invigorate the time-honored Brahman church, Kshatriya public service, Vysia trade, and Sudra agriculture. Individuals who have risen above their caste level or fallen below theirs should settle up or settle down, instead of attacking the church and the caste-order. The Hindu Varnasrami Sabha and the Hindu National Defence Fund will aim at this settlement. Solemn convocations of the Brahman church are readily got up to confer Kshatriya or Vysia status on English-educated Sudras. Write to me and speak out, dear Hindu brethren.

☞ Please say how far you agree with me or differ from me with your reasons.

TRICHOOR;
The 7th December 1885.

A. SANKARIAH, P.F.H.S.

(True Extract.)

W. WILSON,
Acting Chief Secretary to the Govt. of Madras.

No. 140 Mis.

Copy to Government of India, Home Department.

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PAPERS

RELATING TO

INFANT MARRIAGE AND ENFORCED WIDOWHOOD IN INDIA.

DIEU ET MON DROIT

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